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ABSTRACT

The Child Nutrition Act of 1966 authorized the establishment of the School Breakfast Program (SBP). In 1975, the law was amended to require its expansion "to all schools where it is needed to provide adequate nutrition to children in attendance." The federal law requires an active state effort to plan for the expansion of the SBP and to aggressively encourage districts to participate. There are over 70,000 schools with lunch programs but without a breakfast program. Almost nine million children who receive free or reduced price school lunches each day are unable to benefit from a school breakfast. Many groups around the country have turned to their state legislatures for action, working for state laws that expand and improve the operation of the program to reach more low-income children. This guide is intended to help other concerned groups and anti-hunger advocates to introduce legislation in their states. Suggestions include how to draft, lobby for, and monitor a bill; a "model" school breakfast bill; and the texts of all those bills currently in effect as well as three others now proposed. (Author/MLF)

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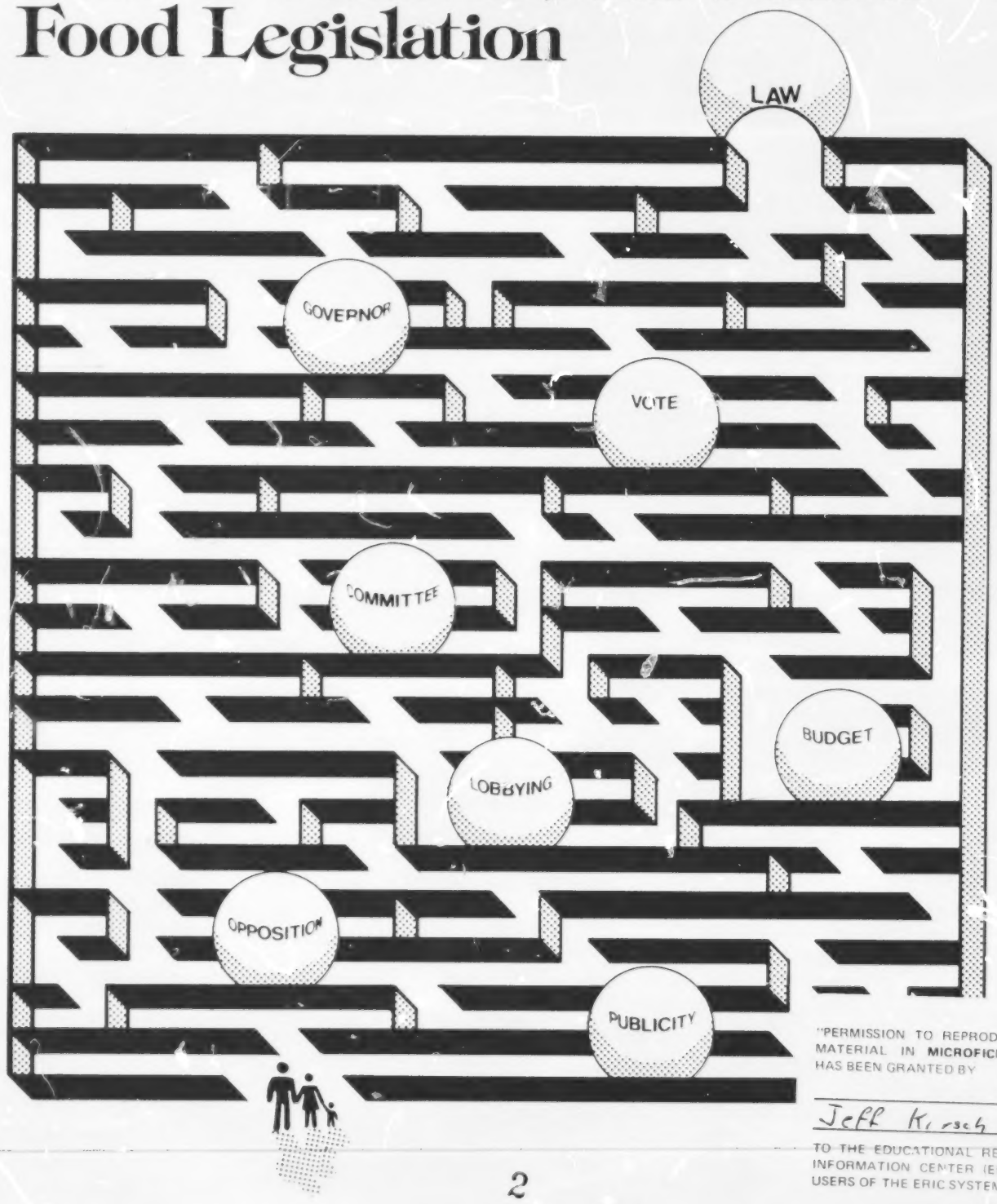

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The School Breakfast Program (SBP) has matured in the last six years from a pilot project to a permanent child nutrition program. In fiscal year 1977 (October 1, 1976 to September 30, 1977), about 2½ million youngsters were served a breakfast in 21,000 schools. While seemingly impressive, there are over 70,000 schools with lunch programs but without a breakfast program. *Almost 9 million children who receive free or reduced price school lunches each day are unable to benefit from a school breakfast!*

Many groups around the country have turned to their state legislatures for action, working for state laws that expand and improve the operation of the Program to reach more low-income children.

FRAC has prepared this guide to help other concerned groups and anti-hunger advocates to introduce legislation in their states. The guide includes suggestions on how to draft, lobby for, and monitor a bill; a "model" school breakfast bill; and the texts of all those bills currently in effect as well as three others now proposed.

We hope this guide is helpful to your work. If you decide to use this strategy, we wish you the best of luck in your efforts. Please feel free to call on us or those listed in back if you need assistance.

Bread and Justice!

Paula Roberts
Alice Scott
March, 1978

TABLE OF CONTENTS

Why State Legislation 2
How to Lobby a Bill 3
How to Monitor the Implementation of Your New Law 7
Preparing Your Legislation 8
A Model School Food Bill 10
Analysis of the School Feeding Bills (Chart) 14
Contact Persons on State Legislation 15
Appendix: The State Bills

Massachusetts 16
Illinois 18
California 18
South Carolina 19
New York 19
Ohio 20
Michigan 20
Texas 22
Maine 23
Maryland 24
Florida 24

WHY STATE LEGISLATION?

What can school breakfast legislation really accomplish? Here are some reasons why state laws can be important:

- *State legislation can insure that federal law is being followed.*

The Child Nutrition Act of 1966 authorized the establishment of the SBP.[1] In 1975, the law was amended to require its expansion "to all schools where it is needed to provide adequate nutrition to children in attendance."[2] This mandate, however, has not been translated by the U.S. Department of Agriculture (USDA) into meaningful federal regulations or actions.[3] USDA has refused to implement the outreach requirements in the federal law or to monitor and enforce the State Plans of Child Nutrition Operations. The federal law requires an active state effort to plan for the expansion of the SBP and to aggressively encourage districts to participate.[4] These state plans must detail the state's efforts to bring new schools into the SBP. Nevertheless, they rarely contain the information required by law, and USDA does not follow up to make sure that states are doing even the minimum amount of work required. State legislation can help correct these problems by mandating implementation of the SBP and prescribing a planning process to make it possible.

- *State legislation can prevent local administrators from shutting the SBP out of their schools.* Many school superintendents and school boards keep the SBP out of their schools simply by failing to tell any parents about it. When challenged by informed citizens, these administrators then create many arguments as to why a program can't be started. Some argue that the SBP breaks down the family and that parents -- not the school – should feed children. They argue that existing class or bus schedules will not allow time for the SBP; that teachers should not have to supervise the children or that union contracts prevent such mealtime care. They also complain that the SBP adds administrative work or that there is not enough money to pay for the program.

These arguments are excuses for not expanding the program, not reasons which deserve respect. In any case, all of them pale when compared to the positive effects a SBP can have on the physical, nutritional, and academic well-being of children. It has been widely demonstrated that morning nourishment increases attentiveness, decreases tardiness, and generally adds to the student's educational environment. A hungry child cannot learn as well as one who has had a satisfying morning meal.

Clearly, the legitimate problems in starting a SBP can be resolved if there is a commitment to make the Program work. Schedules may have to be re-scheduled; satisfactory supervisory arrangements must be discovered; and additional meal reimbursements -- allowed by law based on the state's discretion -- may have to be applied to schools with real financial problems.

- *State legislation can improve all aspects of the school food programs.* In many states, the National School Lunch Program [42 USC § 1751] has never been fully implemented. In other states, there is serious concern about the quality of the foods being served in both the School Lunch and Breakfast Programs. Still other states have been concerned about the issue of competitive foods sold in the schools -- the vending machines that draw students away from the lunchroom's more nutritious school lunch or breakfast menu by enticing them with candy and soda. A well-planned nutrition education component could be one key step toward better food quality and improved eating habits. This is important for the school and its students, and will also bring the support of nutrition education-conscious members of the community to a coalition working for SBP legislation.

You may find it helpful to cite one or all of these reasons in your legislative efforts. Some of them may be persuasive with one legislator and not another. You can be the best judge for your particular situation.

1] 42 USC § 1773
2] P.L. 94-105, October 7, 1975
3] USDA's failure to implement the mandate is the subject of a nationwide class action lawsuit now pending in federal district court in Rhode Island.
[Charette v. Bergland, CA No. 76-0145 (D.R.I.)]
4] [42 USC § 1759a(e) (1)].

HOW TO LOBBY A BILL

ROLES FOR THE ADVOCATE

As an advocate, you can play many roles in the legislative process. They include:

- *Catalyst*, urging a legislator to push for SBP expansion and providing information to help accomplish it. In this role, you remain available for counsel but stay in the background while the lawmaker works with the legislature and other public officials.

- *Monitor*, tracking the entire route of the legislation and feeding information, but also finding people to assume specific tasks and responsibilities. In this role, you involve other lobbyists and groups to accept the SBP as an issue and try to mobilize other support for their efforts. As monitor you also avoid direct involvement in the legislative arena.

- *Lobbyist*, finding sponsors and making sure the bill is properly drafted, introduced, "politicked," supported, and passed. This is the most difficult role, especially for those unfamiliar with the legislative process or the people who control it. Nevertheless, this may be the best way for school food advocates to learn the politics of state legislation.

Only you and your group can decide which roles to assume, because they will depend largely on your particular circumstances.

PREPARATION

Being prepared is the most important element of any legislative battle. As you begin your push for a new bill, be sure you know:

- *The legislative structure.* You need as much information as possible about your state legislature. A good place to start is with the Secretary, or Clerk, of the Senate or House (or Assembly). He or she usually has a pamphlet explaining "How a Bill Becomes a Law," and lists of legislators, their staffs, committee assignments, offices, phone numbers, and other pertinent information.

You also need a copy of the state's Constitution and legislative rules. Learn the length of the legislative sessions, the "life" of bills introduced, and the possibility of special sessions.

- *Now you need some less formal information.* Which legislator's opinion is respected and whose is not? Who would be a good sponsor for your bill? Who would not? Are there certain "unwritten rules" which demand consultation with key people -- the leadership, committee Chairs, the Governor's Office, etc. -- before a bill is introduced? Finally, of course, you have to know which forces to cultivate in order to gather the clout you need. Try to find and befriend a person in your state who has this kind of "inside" information and know-how. It may be a union lobbyist, a League of Women Voters representative, a Legal Services lobbyist, or a friendly legislator.

- *In many states, committees* virtually write all legislation and control the process which enacts it. Most of the substantive work of the legislature may take place in committees, which often meet whether or not the lawmakers are in session. If your state uses a committee system, find out which committees have jurisdiction over the issues affecting school food programs and the related areas of education and social services. Who is on them? Are they liberal or conservative? Which members can you talk with about the SBP? Who chairs the committee, and what power -- both granted by the rules and through personal influence -- does he or she have? Who are the most powerful members?

If the Committee also employs a staff, they often can dictate the substance of the committee work and can "make or break" your effort. They provide and iron out the details of legislation, and thus control whether it says what you want it to say. You must get to know your staff, ascertain their influence, and guage their role in the legislative process. (Often, staff are directly responsible to the chair of the committee, and their jobs are dependent on always doing what he or she approves.)

- *How to draft your bill.* Many states require that all bills to go through the "Legislative Drafting Bureau" or a similar reference or research service, which can be helpful to you. Many drafting offices, however, can only respond to a direct request from a legislator. Such offices are notoriously slow, and you

should allow adequate time for delays or changes. In other states, you may be able to draft your own bill. A member of the private bar or a legal services attorney may be available to help you. If possible, choose your drafter carefully so the bill will reflect your views.

- *The steps for introducing a bill.* Do you know in which house a bill must be introduced? Who must introduce it? Will it be referred to a committee or several committees? Does a committee have to clear it, or can it go directly to the "floor," or full legislature? How can a sponsor force consideration of a bill when it is blocked in committee. Check whether it needs to go through any budgetary or rulemaking process. Does this affect your timetable?

Is it advantageous to get the bill introduced early in the session? This can often avoid fights on the floor of the legislature caused by the rush to complete legislation at the close of a session. A late bill could be entangled in trade-offs or compromises with other bills. In some instances, a late introduction may result in a "sleeper,"or unnoticed bill, being passed at the last minute, often a risky endeavor. If your state has a bicameral (or two-house) legislature, how is a bill passed by one house transferred to the other? What are the pressure points in the legislature which can defeat your bill as it passes through the subcommittees, committees and floor votes?

ESSENTIAL STEPS FOR ACTION

Understanding all aspects of the legislative process and who controls it will make your work easier. There are several crucial steps that you and your group will need to take to assure the success of your breakfast bill. You must:

- *Pick a sponsor.* Which of the influential people you have identified would be willing to sponsor your bill? It is helpful if potential sponsors also sit on one of the committees which will consider the bill. You will also want to consider whether bi-partisan support (from both political parties) is necessary or desirable. The role of political parties varies widely from state to state. Know whether support from only one party will be the "kiss of death." You may want to gather broad-based support or sponsorship of your bill, forming coalitions from a wide range of interests – urban and rural legislators, women, minority group members, amd those associated with food producers, such as dairy or fruit growers.

- *Gather your facts.* You must document the need for state legislation. A good place to start gathering information is the state's Plan of Child Nutrition Operations, on file with the Department of Education (usually in its School Food Service Division). This plan contains the state's opinion of the number of schools which need -- but don't have -- a school breakfast program, and the average daily attendance in those schools. Under USDA's proposed guidelines for the 1978-79 school year, the Plan should also state the number of Title I schools which don't have a breakfast program, and the number of schools in which at least 25% or more of the students are eligible for free and reduced-price meals which don't serve breakfast. It should also contain the state's definition of an "especially needy" school, or one which is eligible for additional federal aid to implement or expand the School Breakfast Program.

It may be useful to do an economic impact analysis. Find out from the state agency the average payment per breakfast. If all the children in your state -- or even those targeted by your bill -- were to get a breakfast each day, how much additional federal revenue would it bring into your state (and each legislator's district)? This injection of funds would generate jobs as well as give business to local merchants. You may also want to determine whether the state should put some of its own money into the Program to buy food service equipment or provide additional meal subsidies. Be prepared to defend this position and to suggest sources of such funds if you make this recommendation.

Finally, you may want to gather poverty statistics for your state, the number of working women with school-aged children, and other helpful data. The U.S. Bureau of the Census and Bureau of Labor Statistics should be helpful here.

This information should be gathered into simple position papers so that all the members of your group have the information they need. These papers can also be used in your contacts with legislators and the media.

- *Introduce the bill.* The best guide to the methods and timing of introducing the bill is to check with the sponsor(s) and others well-versed in the mechanics of the legislature. But first, make sure the legislation is properly drafted, and that the rules governing bill preparation have been met. You should also try to find out whether the "horse trading," or compromising on the content of the bill, has to be completed before its introduction, or whether it is an on-going process. Your bill should be adjusted ac-

cordingly. Finally, consider whether publicity about the bill's introduction will help it (see "Publicity").

- *Establish yourself or your group as an information source.* The information and expertise you've developed is of no value unless it is used. To do that, make legislators aware of you and your group and encourage them to rely on you. It is extremely important, however, that you guard against providing inaccurate information which can ruin your credibility. Similarly, make sure that everyone in your group is providing the same information. Contradictory information or competing strategies can be devastating.

- *Form a coalition.* In most instances, the chances for successful legislative initiatives are improved by joining with others. Each member of the coalition brings new strengths -- and sometimes weaknesses -- to an effort. Most groups have found that the broadest based support is advantageous. Indeed, most school breakfast coalitions have found that they have needed the support of such groups as food industry representatives, fast food caterers and milk producers.

However, begin by looking to other public issue-oriented groups with lobbying experience such as the ACLU, Legal Services, League of Women Voters, Common Cause, and Public Interest Research Groups (PIRGs). Members of your group might have contact with Community Action Programs (CAPs), churches, nutrition, food industry, or women's groups that could lend you support. Don't overlook PTAs, children's rights groups or education projects in your state. Most important, labor unions-- particularly those representing school food service workers -- should be contacted, as well as the state affiliate of the American School Food Services Association.

Finally, don't forget the state education department and its school food service division. Their support can make passage of the bill easier; their opposition can present serious problems to both passage and enforcement of the legislation. They may also be able to help you get support from the Governor's office. Remember, any bill has to go there for signature, and you don't want to face the Governor's veto. Even if you think some of these people won't support you, they should all be contacted and asked to help. You might be surprised, and at least you'll know your opposition.

- *Identify the opposition and learn their arguments.* You need to know both who your foes are and what their specific arguments will be. Be prepared to counter their arguments with facts. Often, your facts can show the opposition that it is in their self-interest to abandon their position and to support yours.

- *Lobby your bill.* There is no "right" way to lobby a bill. Much depends on your local situation. Most important is developing a plan and insuring that everyone follows it. You may decide that the best strategy is to "slip it through" quietly. However, if you decide to lobby actively, there are some basic steps:

(1) Make sure it gets through the committee! This involves writing, calling, visiting, or otherwise urging key committee members and/or the Chair to guarantee support. It requires attending committee meetings and supplying facts and arguments as needed. You have to make sure your supporters on the committee attend the meetings, especially when votes are expected.

(2) If you think that hearings would be helpful, ask lawmakers or staff to schedule them. In addition, attempt to arrange the witness list so that as many witnesses as possible are sympathetic to your view. Find the most influential spokespersons you can -- people whom the committee members and the media will respect. It is often helpful to pack the hearing room with your supporters on the day of the anticipated vote on your bill.

(3) Lobby the full House (Assembly, or Senate) if it's needed. It is helpful to pave the way with a letterwriting campaign by the legislator's constituents. Individual letters are preferable to form letters or petitions. Phone calls and/or visits are most effective. Call and/or write all members, and make sure the influential ones -- and the "fence-sitters" -- are visited. Be sure your "lobbyists" have short written statements for legislators to read and to keep for reference afterwards. Legislators, of course, ultimately are concerned about how their support of your efforts will effect them and their appeal with voters, so make them aware of your widespread support. Tell them about the groups and key people behind you. However, do not make any threats of retaliation at the polls if the legislator's support is not forthcoming.

If your legislature has a bi-cameral system, make sure both houses are covered, from the committee process through the final votes. If the Governor is supportive, have him or her contact legislators s/he can influence. And make sure your supporters are there when the bill comes up for a vote! Many efforts have been lost because numerous legislators are lounging elsewhere or "taking a powder," during a key vote. Finally, if there is a need for a "conference" of the two chambers to conform differences in the bills passed by each house, make sure you've done your homework there and have spoken with the conferees.

(4) Keep a record on legislators' votes. Often these votes are compiled by interest groups such as Common Cause, ACLU, or Americans for Democratic Action, and you'll want this vote added to their "profile" of legislators. These lists also are helpful when targeting certain legislators in your lobbying efforts. Most importantly, thank your supporters, both in the legislature and in your coalition.

PUBLICITY

. As most influential lawmakers and lobbyists know, positive exposure for your bill can often turn public sentiment – and reluctant votes – your way. Don't overlook this important element in your breakfast campaign.

There are two major kinds of publicity you can develop. The first requires a mailing list of interested people and organizations. Send them periodic notices on what is happening with the bill and what they need to do. You may also want to develop a "Speakers Bureau" to send spokespersons to meetings around the state to explain your bill firsthand and to gather more support for it.

A second kind of publicity involves the media, but you must *first determine whether such coverage is desirable.* Sometimes this publicity doesn't help.

If you decide that media coverage is desirable, take the offensive, not the defensive. Careful preparation and cultivation of media relationships are needed. The state capital is likely to be a major focus of news coverage (certainly when the legislature is in session). Most major newspapers and wire services probably have offices there, and TV stations often have crews nearby. Don't wait until these people approach you; get to know them so you can get statewide coverage for your activities and increase their understanding of your bill. This could pay off later if unfriendly legislators attack your efforts.

Develop a publicity plan. Evaluate whether a press conference or press release is appropriate for your group or the key legislators working with you. (It is helpful to make sure the media clearly recognize a spokesperson for your group and the spokesperson for the legislator. You cannot be both.) Don't forget the small newspapers. Weeklies will often take your press release, or "copy," and reprint it *verbatum* as if it were a news story. Radio and TV talk shows are also important, as are the "trade" publications – such as newsletters for school officials, etc.

Remember, publicity – especially for very controversial issues – may not help you pass a bill. Always keep in mind the purpose for seeking media coverage. Often the quest for coverage *per se* becomes the purpose. Maintain a perspective!

HOW TO MONITOR THE IMPLEMENTATION OF YOUR NEW LAW

Most school breakfast advocates have learned that getting legislation passed is only half the battle. The next major task is to make certain that the legislation works. After enactment, there must be a mechanism for enforcing provisions of the law to get the results you have sought: nutritious breakfasts served to youngsters in schools. In other words, the "bottom line" is to know the number of schools required to begin the School Breakfast Program, when they begin serving meals, and how the programs are operating.

To some extent, the kind of monitoring you can do depends on the resources available to you. Members of your coalition may want to help you. Churches, organizations such as the American Friends Service Committee, Legal Services offices, organizations funded by CSA's Community Food and Nutrition Program, Community Action Agencies, and the like, may have people and resources you can use.

Once you have identified these resources and assessed your capabilities, here are some of the things that are important to do:

- *Establish a positive working relationship with the the state agency responsible for implementing the new law.* This is important for two reasons: First, this agency will be drafting regulations and setting policy on how the new law will operate. You will want to have input into that process. Good regulations and strong enforcement are crucial to the success of the new law. Second, this agency has information that you need. Which schools are mandated to join the programs under the law? When are they required to join? Which schools have applied for waivers under the law? What is the state going to do with these requests? Obviously, access to this information is essential to effective monitoring.

- *Create a public understanding of the need for the law to minimize local opposition.* You may want to send speakers to school board or PTA meetings to explain the law. You may want to schedule community and parent education workshops in counties where large numbers of schools are mandated to enter the Program.

- *Set up a monitoring process.* You need to get all information on the law and mandated schools to at least one person in each county who will report back to you. The county contact can then work with the mandated schools to make sure that they know they must enter the Program and to help them do so. If the state agency is not cooperative, you may have to gather your own information. The state Title I office might be helpful. You may have to contact the county superintendent of schools or the local school board to get information on the number of low-income schools in their district. You will then have to make your own guesses about which ones should be in the Program.

- *Keep members of your coalition informed about progress in implementing the legislation.* A periodic newsletter informing them of progress and problems will keep them involved and ready to move should a crisis -- such as an attempt to repeal the law -- arise.

- *Finally, keep key legislators informed.* You may need them again on new legislation, to protect the legislation already enacted, or to pressure for more vigorous enforcement.

PREPARING YOUR LEGISLATION

AN OVERVIEW OF THE STATE BILLS

You first need to consider how comprehensive your school food legislation should be. Should it be limited to school breakfast, or include lunch and special milk? Should it deal with nutrition education? Junk food? Will the state add money for equipment or additional meal reimbursements? What other issues should be included? The answers depend on the political situation in your state. Therefore, we've compiled this brief outline of various state legislative efforts to give you an idea of the sort of options you have.

•*Massachusetts*

The first school feeding bill was enacted in Massachusetts in 1970. This law required all schools to provide school lunch by September 1973. In addition, all schools which drew their attendance from areas with large numbers of needy children were required to implement a school breakfast program by September 1972. The law directed that free meals be provided to children from families who: 1] received public assistance; 2] had incomes comparable to public assistance households; or 3] needed dietary supplementation, in the opinion of school officials or public health authorities. This bill also contained provisions for nutrition education programs with particular emphasis on providing for the needs of Puerto Rican or migrant children.

The state Board of Education drafted inadequate regulations which limited the effect of this bill in reaching needy children. Advocate groups such as the Massachusetts Advocacy Center and the Emergency Food Service Project have spent enormous energy monitoring the implementation of the bill and fighting efforts to repeal it.

•*Illinois*

The Illinois school feeding bill is somewhat unique. Although schools must offer free lunch to eligible children, they have several specific program options. They can participate in the National School Lunch Program and offer meals to all children in attendance. To supplement this, they also may participate in the Illinois School Lunch Program and receive an additional fifteen cents per free meal served. As an alternative, schools can participate only in the Illinois School Lunch Program, thereby offering lunch only to needy students. They then receive fifteen cents per lunch served, with the local district absorbing any cost over that amount. Obviously, if the Illinois program alone is chosen, poor children will be overtly identified, since they will be the only recipients of a free lunch.

The Illinois School Breakfast Program is not mandatory. If a school chooses to feed needy children, however, it will receive fifteen cents per breakfast served. If the school chooses to offer breakfast to all children, it can receive the National School Breakfast Program subsidy plus fifteen cents from the state for each free breakfast served.

"Needy children" eligible for free meals are defined as those whose family income levels qualify them for public assistance or whose families participate in the Food Stamp Program. "Type A" lunches and breakfasts are mandated.

The Illinois bill provides broad coverage. Non-profit public schools, parochial schools, private schools, as well as non-profit day care centers are covered. There are also provisions ensuring prompt payment of claims.

•*California*

California has two pieces of legislation in the school food area. The Child Nutrition Act of 1974 provides state subsidies, in addition to the Federal reimbursement, for each breakfast and lunch that a school serves. It also delegates to the Department of Education the task of formulating a nutrition education program coordinated with the food services program.

The California Child Nutrition Facilities Bill was enacted in 1975. It required every school district maintaining a kindergarten or any of grades 1 to 12 to provide at least one meal (either breakfast or lunch) to every needy pupil by July 1, 1977. If only one meal is served, it must supply one-third (1/3) of the recommended daily allowance (RDA) specified by the National Research Council. If two meals are served, they must together supply one-half (1/2) to two-thirds (2/3) of RDA. If a school district has in-

adequate facilities to prepare the required meal(s), they may contract with another school district, a public agency, or a non-profit private agency which can prepare and deliver the meals.

Any school district which was not providing a meal was required to submit its plan for compliance with the new law by July 1, 1976, thereby requiring planning for the implementation instead of waiting until the last minute. The Superintendent of Public Instruction was thus able to tell ahead of time which districts were having difficulty complying, and could assist them. Finally, the Superintendent of Public Instruction was given the power to supervise implementation and refer cases of non-compliance to the State Attorney General, who is empowered to obtain a court injunction to force compliance, if necessary.

The bill was supported by the California PTA, the California Teachers Association, and the American Federation of Teachers. In addition, the bill had statewide support from community and parent groups, coalitions of nutritionists and dieticians, and welfare rights organizations.

•*South Carolina*

A school breakfast bill was passed in South Carolina in 1975 without fanfare or broad-based community support. The bill simply required each school principal to institute a School Breakfast Program. The State Department of Education was to assist schools in beginning the program so that a free breakfast was given to all eligible children. No state funds were provided to supplement federal meal reimbursements.

Since this legislation was tied into a one-year appropriations bill, the mandatory breakfast program lapsed when the year ended. South Carolina now has no mandatory program. During the short life of the bill, however, participation in the breakfast program increased significantly. The news media played an important role publicizing the existance of the SBP and the need to expand it, largely as a result of the law.

•*New York*

A school breakfast bill was enacted in New York in July 1976. The bill requires implementation of the SBP in all schools in cities of 125,000 inhabitants or more. The bill provides for a phase-in of the program in these mandated schools over a two-year period. The bill directs the Commissioner of Education to insure that all schools eligible for "especially needy" reimbursement receive it; allows flexibility to the schools in setting hours to serve the breakfast; and gives schools an additional state reimbursement for each meal served. The bill was backed by a New York Citywide School Breakfast Coalition.

Since the passage of the bill, the number of children receiving breakfast in New York City has increased from 40,000 to approximately 82,000. In June 1977 the number of children receiving breakfast in Buffalo was 3,000; as of October 1977, 13,000 children were participating.

•*Ohio*

The Ohio bill was enacted in September 1976. It mandated full implementation of both school lunch and school breakfast in every school in the state which met federal criteria for "especially needy" by January 1, 1977. By September 1, 1977, schools in which one-third or more of the children qualified for free meals had to provide both breakfast and lunch. By September 1, 1978, every school where the parents of at least one-half of the children request it, must provide school breakfast. A school can receive an extension of time to implement the program if it can show good reasons for its failure.

The Bill was drafted by Ohio State Legal Services and supported by school employees and hunger coalitions all over the state. Because it had such broad-based, bi-partisan support, it was passed by the legislature in only two months and then enacted over the Governor's veto.

Since its passage, the number of schools participating in the program has increased from 275 to 950. The Food Action and Community Education (FACE) Project of the Ohio State Legal Services has provided community school breakfast workshops and publicized the program through press releases, public service radio announcements, and mailings to parent groups and organizations.

•*Michigan*

In January 1977, Michigan legislators enacted the most comprehensive, thorough, and detailed school food bill in the country. It was almost a model bill in that it mandated lunch, breakfast and special milk; established procedures for parent and pupil participation in the planning and evaluation of school meals; dealt with the nutritional quality of other foods sold on school premises; and provided state subsidies for each free lunch or breakfast served.

The bill was repealed in June 1977 and a new bill was enacted. This law includes many of the good features of the original bill but pushes back the date for mandatory implementation of a lunch program to 1979, and phases in breakfast implementation over a three-year period starting in 1980.

• *Texas*

The Texas bill was enacted in May 1977. It states that if at least 10% of the students enrolled in a school district are eligible for free and reduced-price meals, the schools with food service facilities must offer a breakfast program in the 1978-79 school year, and the others must provide meals by the 1981-82 school year.

• *Maine*

Maine enacted a mandatory school lunch bill in 1976. A SBP bill was drafted in October 1977 by Pinetree Legal Services and introduced in January 1978. The draft was first discussed with the State school food services agency, local organizations and parent groups in order to address specific statewide school food concerns.

The bill would phase the SBP in over two years. High schools are exempt from mandatory participation. Schools may request postponement of implementation, but if they wish to do so they must hold a public hearing on the request. Reasons for postponement include the lack of a food services facility, contractual problems in procurement of food, and lack of need for the program as determined by the school committee or board of directors.

The bill defines "especially needy" schools as a school in which twenty-five per cent or more of the children in attendance are eligible for free and reduced-priced meals, or any school designated as a Title I school.

The Attorney General's office is authorized to conduct investigations on non-compliance complaints referred by the State Education Commissioner's office. In addition, any parent, school committee, pupil, or board of directors has a right to bring suit in court in order to force compliance with the law.

• *Other bills*

To our knowledge, bills also have been drafted or introduced in Maryland, Florida, Louisiana, Mississippi, and Connecticut.

A MODEL SCHOOL FOOD BILL

Another way of approaching your task is to consider using the enclosed "Model Bill." It is an attempt to combine the best provisions of all the state bills. *We suggest that you evaluate whether to modify it based on your state's needs, your assessment of the political climate, and the wishes of your supporters and legislative sponsors.* For example, instead of mandating immediate implementation in every school, you may want to gradually implement the SBP to take care of the neediest schools first, and to allow sufficient planning time. Or, you may determine that a strong mandate is politically impossible and instead opt for a bill without a mandate but with outreach requirements and financial incentives.

Our model bill mandates: 1] school breakfast and lunch; 2] nutrition education; and 3] the establishment of rules to regulate the sale of foods from vending machines. A section-by-section explanation follows:

• *Section 1 establishes legislative intent.* A statement that the legislature believes school feeding is necessary and a high priority can be very helpful in convincing local and state administrators to fulfill their duty. (It might also be helpful if you later have to file a lawsuit for the state to implement the bill.)

• *Section 2 is the definition section.* Many of the definitions will have to be changed to reflect local terminology. Your state education system may use different terms or have a different structure. Also, note the definition of "school." This is a very broad definition and may not apply in your jurisdiction. For example, there may be limits on the power of school boards over private or parochial schools. Be sure to change the bill accordingly.

Note, too, that the term "especially needy" is defined in the law, ensuring higher breakfast reimbursements for such schools. You may wish to adopt a stricter definition in your state; but be sure one is included.

- *Section 3 mandates the lunch, breakfast, and special milk programs.* Choose a date allowing sufficient time for schools to phase in the program. You may wish to phase in "especially needy" schools first. (Use the New York bill as an example of possible language.) This section also allows the State Department of Education to set nutritional standards for the meals. Once the bill is passed, you can work for strict regulations insuring good standards for meal content.

This section prevents the districts from collecting additional reimbursement from "paid" category students; i.e., if the actual cost of a meal is 75 cents, and the federal subsidy is 15 cents, the student would pay 60 cents. The school board could not charge the student 70 cents, thus using the extra 10 cents to defer the cost of meals in the free or reduced-price category. This may not be appropriate for your state. As a general rule, we believe this restriction is justified except when the school is in a severe financial crunch and the cost of producing free and reduced-price lunches is greater than the state and federal subsidies. In that situation, you may want to give the local board the option to make up the difference by reducing the subsidy to "paid" students. If such a charge were desired, the final sentence would read:

> The fee charged shall not exceed, in the case of reduced price meals, the fee allowance pursuant to Federal law and regulations or, in the case of paid meals, the actual average daily cost of the meal.

- *Section 4 delegates to the State Department of Education the authority and responsibility to set certain regulations.* They should include: a] nutrition; b] eligibility (the USDA maximum guidelines are prescribed); c] non-discrimination; d] parent, pupil, and school board participation in planning and evaluating school meals and other foods sold on school premises; e] standards for vended foods; and f] encouragement of on-site preparation of meals.

- *Section 5 requires local boards to submit compliance plans to the state education agency as prescribed by the department.*

- *Section 6 ensures non-discrimination in providing meals.*

- *Section 7 provides additional state subsidies on all free and reduced-price meals served.* You must determine how much of a subsidy is needed and how much the legislature will appropriate. You should also decide whether you want a subsidy for paid meals and how much. This section also allows the withholding of reimbursements for meals which do not conform to prescribed standards.

- *Section 8 provides state funds for non-food assistance.* This enables schools to comply with the new law if federal non-food monies are not sufficient.

- *Section 9 allows the Commissioner of Education to investigate non-compliance and refer cases to the Attorney General,* who can then force compliance in the courts. It also allows individuals and school boards to sue for compliance.

- *Section 10 formulates a nutrition education program.* This would be run in conjunction with school food programs.

- *Section 11 mandates outreach to all eligible institutions in the state.* This may not be appropriate in states in which the non-public school programs are administered directly by the USDA's Food and Nutrition Service regional office.

- *Section 12 requires an annual report to the legislature regarding implementation of the law.* This will make the Department of Education directly accountable to the legislature.

Hopefully, this will give you some good basic information for drafting your bill. If we can help in any way, please call. We have also included a list of other contacts, including those in states with bills. You may want to call on them for additional information or help.

A BILL

TO IMPROVE SCHOOL FOOD SERVICES AND FOR OTHER PURPOSES

Section 1. Legislative Intent

(a) The Legislature finds that: 1] the proper nutrition of children is a matter of the highest state priority, and 2] there is a demonstrated relationship between the intake of food and good nutrition and the capacity of children to develop and learn, and 3] the teaching of the principles of good nutrition in schools is urgently needed to assist children at all income levels in developing the proper eating habits essential for life long good health.

(b) It is the policy of the state of ——— that no child shall go hungry at school and that schools have an obligation to provide for the nutritional needs and the nutrition education of all pupils during the school day.

(c) The Legislature further recognizes the need to establish a plan for permanent funding to provide qualifying local agencies with continuous financial support for the operation of school nutrition programs.

Section 2. Definitions

As used in this act:

(a) "Board" means the governing body of a local school district.

(b) "Department" means the State Department of Education.

(c) "Especially needy school" means any school in which twenty percent (20%) or more of the children in attendance are eligible for free or reduced priced meals.

(d) "Free lunch or breakfast" means a lunch or breakfast for which neither the pupil or any member of the pupil's household reimburses or compensates the school district.

(e) "Household" means a person or a group of persons who are living together as one economic unit.

(f) "Parent" means a parent, guardian, custodian, or other person upon whom a pupil is dependent for care.

(g) "Pupil" means a person attending a school other than a person enrolled in an adult education program.

(h) "Reduced price lunch or breakfast" means a lunch or breakfast which meets all of the following criteria: the price is less than the full cost of the meal; the price does not exceed the maximum allowable rate established by the National School Lunch Act, 42 U.S.C. 1758, and the Child Nutrition Act of 1966, 42 U.S.C. 1773, and the price is in cash and no other form of reimbursement or compensation is required.

(i) "School" means any public school, private school, parochial school, kindergarten, child care center, local or state agency or institution which qualifies for federal aid under the National School Lunch Program or the School Breakfast Program prescribed respectively by Chapter 13 (commencing with Section 1751) and Chapter 13A (commencing with Section 1771) of Title 42 of the United States Code.

(j) "State Board" means the State Board of Education.

Section 3. School Feeding Programs

(a) By no later than [date] ,each board shall establish and operate a School Lunch Program under which a lunch shall be made available to all pupils enrolled in the schools of the district. The lunch shall meet standards prescribed by the department. The Board may charge a fee for each lunch, except that the Board shall provide free and reduced price lunches to pupils eligible under the rules promulgated pursuant to Section 4 (b) (2). The fee charged shall not exceed the actual average daily cost of the lunch less the amount of food and financial assistance received by the Board for each lunch served.

(b) By no later than [date] , each Board shall establish and operate a School Breakfast Program under which a breakfast shall be made available to all pupils enrolled in all schools of the district. The breakfast shall meet standards prescribed by the Department. The board may charge a fee for each breakfast, except that the board shall provide free and reduced-price breakfasts to pupils eligible under the rules promulgated pursuant to Section 4(b) (2). The fee charged shall not exceed the actual average daily cost of the breakfast less the amount of food and financial assistance received by the board for each breakfast served.

(c) Beginning [date] , each board shall establish and operate a Supplemental Milk Program under which milk shall be made available to all pupils who are enrolled in the schools of the district. The board may charge a fee for the milk, except that the board shall provide free milk to pupils eligible under the rules promulgated pursuant to Section 4 (b) (2). The fee charged for milk shall not exceed the cost of the milk and accessories less the amount of financial assistance received by the board.

Section 4. Duties of the State Board of Education

(a) Within 90 days after the effective date of this Act, the State Board shall promulgate rules in accordance with this Act and in conformity with United States Department of Agriculture regulations to implement and administer the School Lunch, Breakfast and Supplemental Milk Programs required by Section 3. Such rules shall be promulgated in accordance with the State Administrative Procedure Act.

(b) The rules shall:

(1) Establish minimum nutrition requirements for School Lunch, and Supplemental Milk Programs. The requirements, at a minimum, shall meet standards prescribed by the United States Department of Agriculture for lunches, breakfasts, and supplemental milk in accordance with 42 U.S.C. §1758, 1773 and 1772 respectively, and each meal

shall supply at least one third (1/3) of the daily dietary allowance established by the National Research Council of the National Academy of Sciences.

(2) Establish standards of income eligibility for free and reduced price lunches and breakfasts and free supplemental milk based upon income guidelines which are determined by household size. The standards of income eligibility shall be the maximum allowable household income limits for free and reduced priced meals and free milk that are prescribed by the United States Department of Agriculture, pursuant to 42 U.S.C. §§1758, 1773 and 1772 respectively.

(3) Prescribe uniform methods for determination, and obtain a determination of pupil eligibility for free and reduced price lunches and breakfasts and free supplemental milk. The methods shall ensure the confidentiality of the information contained in the application for free and reduced price lunches and breakfasts and free supplemental milk. Such methods shall also ensure that all parents and pupils are made aware of the existence of the free and reduced price meals.

(4) Prescribe guidelines to assure that a pupil or household eligible to receive free or reduced price lunches or breakfasts or free supplemental milk is not discriminated against or overtly identified.

(5) Prescribe methods for parent, pupil and school board participation in the planning and evaluation of school meals and other foods sold or dispensed on school premises.

(6) Ensure that the food preference of pupils shall be accommodated, to the maximum extent feasible, including the provision of meals that fulfill the ethnic food preferences of children attending each school.

(7) Prescribe nutritional standards for foods other than those included in subdivision (a) that are permitted to be sold or dispensed on school premises Such standards shall require that all such food sold or dispensed on school premises are high in nutritional content and will contribute to the sound nutritional habits of students.*

(8) Prescribe a uniform reporting system for the collection, compilation, and analysis of data relative to the administration of this Section and Section 3.

(9) Establish rules which, to the maximum extent feasible, encourage on-site preparation of meals, the employment of local people and the use of small and minority-owned businesses. If a school board has inadequate or no food preparation facilities, establish rules pursuant to which it may contract with another school board, a public agency or a private non-profit agency within the State for the preparation and delivery of meals.

(10) Establish procedures pursuant to which all valid claims for reimbursement of any kind are paid within 30 days of submission.

(11) Prescribe other necessary standards and procedures to efficiently and effectively administer this Section and Section 3.

Section 5. Compliance

Each board shall submit to the Department, in the manner prescribed by the Department, a plan for compliance with Section 3. The plan shall be submitted within 90 days after receiving directives for plan content from the Department.

Section 6. Non-discrimination

Each board shall ensure that a pupil eligible to receive a free or reduced price lunch or breakfast or free supplemental milk shall not be discriminated against nor shall there be any overt identification of an eligible pupil by the use of special tokens or tickets; the announcement, posting, or publication of names; physical separation, choice of meal; or by any other means.

Section 7. Reimbursement

(a) The Department shall pay a school district for each free breakfast and each free lunch served by a school which participates in the National School Breakfast or Lunch Program and complies with this section and Section 3. The payment shall be calculated by subtracting the sum of the federal reimbursement rate for a free lunch or breakfast including the value of commodities received from the actual average cost of such meal, but not to exceed _____ cents per meal.

(b) The Department shall pay a school district for each reduced price lunch and breakfast served by a school which participates in the National School Breakfast or Lunch Program and complies with this section and Section 3. The payment shall be calculated by subtracting the sum of the federal reimbursement rate for a reduced price breakfast or lunch including the value of commodities received plus the fee charged from the actual average cost of such meal, but not to exceed ____ cents per meal.

(c) The payments required by subsections (a) and (b) shall be in addition to disbursements made by the Department from funds credited to the State's matching share required by Section 5 of Public Law 94-105, 42 U.S.C. §1756.

(d) The Department shall make every effort to ensure that any especially needy school, as defined in Section 2(c) of this Act, receives the higher rate of reimbursement to which it is entitled pursuant to 42 U.S.C. §1773 for each free and reduced price breakfast served.

(e) The Department may disapprove any claim for reimbursement for meals served if it finds that balanced, nutritious meals are not being served in accordance with the standards prescribed pursuant to Section 4(b) (1) of this Act.

Section 8. Food Service Equipment Assistance

The Department shall prescribe a method for determining, and shall determine, the actual, reasonable and necessary initial equipment and capital outlay costs incurred by a school district after the effective date of this Act for the specific purpose of complying with Section 3 and shall report to the legislature with recommendations for full reimbursement of all such costs not otherwise reimbursed or scheduled to be reimbursed with federal or state funding or permissible pupil payments. The legislature shall appropriate

* *P.L. 95-166 which was enacted November 10, 1977, allows the Secretary of Agriculture to issue regulations in this area but he has yet to do so.*

and the Department shall allocate, as part of the annual Department appropriations, the approved amount due the school district under this Subsection.

Section 9. Compliance

(a) The Commissioner of Education shall supervise the implementation of this Article and shall investigate acts of alleged non-compliance. In the event that the Commissioner finds that a school board has failed to comply with the provisions of this Article, the Commissioner shall certify such non-compliance to the Attorney General. The Attorney General shall conduct such investigation as may be necessary to establish non-compliance. The Attorney General may then seek injunctive relief in any court of law of competent jurisdiction.

(b) Any pupil, parent or school board aggrieved by the actions or inactions of any person or institution in complying with the provisions of this Act, shall have the right to bring suit in any court of competent jurisdiction to enforce their respective rights under this Act. Nothing contained in Section 9 (a) shall be construed to limit, supersede or in any way affect this right.

Section 10. Nutrition Information, Education, and Training

The Department shall formulate the basic elements of a nutrition education program. Such program shall coordinate classroom instruction with the food service program and shall be of sufficient variety and flexibility to meet the needs of pupils in the total educational spectrum. The Department shall encourage effective dissemination of scientifically valid nutrition information and provide training in food management skills and the fundamentals of nutrition for food service personnel.

Section 11. Outreach

The Department shall make known the existence of the School Lunch Program, 42 U.S.C. §§ 1751 *et seq.;* the School Breakfast Program, 42 U.S.C. §1773; and the Special Milk Program, 42 U.S.C. §1772 to all schools and institutions in the State which are eligible to participate in these programs and assist them in entering the programs if they wish to do so.

Section 12. Annual Report

The Department shall make an annual report to the Legislature relating to the implementation and administration of this Act and shall send a copy of the report to each school board.

TECHNICAL ANALYSIS OF SCHOOL FOOD LEGISLATIVE PROVISIONS

You have many options in drafting a school food bill. A number of legislative provisions are listed below to help you, with an indication of which states have included them.

STATE	Mandatory Breakfast	Mandatory Lunch	Phase In Time	Emphasize Especially Needy	Additional State Subsidy Provided	Non food Assistance	Nutrition Requirement	Nutrition Education	Student/Parent Involvement	Non-discrimination Provision	Local Board Accountability to State	State Accountability to Legislature	Enforcement Provision	Emergency Exemption	Federal Law Change Exemption	Vended Food Provision
South Carolina	X															
New Jersey		X	X				X									
New York	X*		X	X	X		X								X	
California	one or the other		X	X	X	X	X	X			X		X			
Ohio	X	X	X	X										X		
Michigan	X	X	X	X	X	X	X		X	X	X	X		X	X	X
Massachusetts	X*	X	X	X	X		X	X								
Illinois		X	X	X	X		X									

* Only in cities of a specified size

CONTACT PERSONS ON STATE LEGISLATION

CAL FORNIA ***

Food Law Center
California Rural Legal Assistance
115 Sansome Street, Suite 900
San Francisco, CA 94104
(415) 421-3405
Att'n: Rob Teets

California Nutrition Action Committee
1419 Broadway
Oakland, CA 94612
(415) 834-2896
Att'n: Vicki Katayama

The Children's Rights Group
693 Mission Street, 2nd Fl.
San Francisco, CA 94104
(415) 495-6420
Att'n: Edward J. Polk, Bob Spence

CONNECTICUT *

Project FEAD
112 Main Street
P.O. Box 322
Danielson, CT 06239
(203) 774-0455
Att'n: E. Cooney

FLORIDA *

Florida Legal Services
236 Pensacola Street
Tallahassee, FL 32301
(904) 222-2151
Att'n: Robert F. Williams

ILLINOIS ***

American Friends Service Committee
Chicago Regional Office
407 South Dearborn Street
Chicago IL 60605
(312) 427-2533
Att'n: J. Gottsegan

Food Action and Community Training
343 South Dearborn Street
Chicago, IL 60604
(312) 341-1070
Att'n: Nelson A. Soltman

LOUISIANA *

Louisiana Hunger Coalition
226 Carondelet St., No. 205
New Orleans, LA 70130
(504) 529-7551
Att'n: Jeanne Keller

MAINE **

Pine Tree Legal Services
154 State Street
Augusta, ME 04330
(207) 623-2971
Att'n: Marshall Cohen, Neal Shankman

MARYLAND *

Maryland Legal Aid Bureau
341 North Calvert Street
Baltimore, MD 21401
(301) 539-5340
Att'n: J. Lyko

Maryland Food Committee, Inc.
105 West Monument Street
Baltimore, MD 21201
(301) 837-5667
Att'n: Betsy Dunklin

MASSACHUSETTS ***

Emergency Food Service
36 Concord Street
Framingham, MA 01701
(617) 872-4853
(617) 879-4870
Att'n: Cliff Walton

Massachusetts Advocacy Center
2 Park Square
Boston, MA 02116
(617) 357-8431
Att'n: Tom Mela

MICHIGAN ***

School Breakfast/Lunch Committee
Episcopal Diocese of Michigan
4800 Woodward Avenue
Detroit, MI 48201
(313) 832-4400

Michigan Legal Services Food
Litigation Project
220 Bagley Avenue, 900 Michigan Bldg.
Detroit, MI 48226
(313) 964-4130
Att'n: Nida Donar

Governor's Office of Nutrition
352 Hollister Building
Lansing, MI 48926
(517) 373-9230
Att'n: Laura Hess

NEW JERSEY ***

National Child Nutrition Project
46 Bayard Street
New Brunswick, NJ 08901
(201) 846-1161
Att'n: Barbara Zang

NEW YORK ***

Community Action for Legal Services
Food Law Project
335 Broadway
New York, NY 10013
(212) 966-6600
Att'n: Alice McInerney

New York City School Breakfast Committee
711 Amsterdam Avenue
New York, NY 10025
(212) 850-6804
Att'n: K. Goldman

District Council 37, AFSCME - AFL - CIO
Local 372 Employees
140 Park Place
New York, NY 10007
(212) 766-1199
Att'n: Charles Hughes

Community Services Society
103 E. 22nd Street
New York, NY 10010
(212) 254-8900
Att'n: F. Barrett

OHIO ***

Ohio State Legal Services
155 No. High Street, 3rd Floor
Columbus, OH 43215
(614) 221-2668
Att'n: Bob Mullinax; Bob Mapes

Hunger Task Force of Columbus and
Central Ohio
65 South Fourth Street
Columbus, OH 43215
(614) 464-1956
Att'n: Marion Wearly

SOUTH CAROLINA ***

Piedmont Legal Services
Suite 200
Library Street Office Building
180 Library Street
Spartansburg, SC 29301
(803) 582-0369
Att'n: Allen Holmes

TEXAS ***

Texas Impact
2702 Greenlawn Parkway
Austin, Texas 78757
(512) 459-7569
Att'n: Carl Siegenthaler
100 E. 27th Street
Austin, TX 78705

VIRGINIA

The Virginia Commission on Children and Youth
9th Street Office Building
Richmond, VA 23216
(804) 786-4834
Att'n: R. Pumphrey

WASHINGTON

Hunger Action Center
1063 Capitol Way No. 206-207
Olympia, WA 98501
(206) 352-7980
Att'n: Mary Lynne McDonald

THE LEGISLATIVE COMMITTEES OF THE U.S. CONGRESS ARE:

Committee on Education and Labor
U.S. House of Representatives
Washington, D.C. 20515
(202) 225-4527
Carl Perkins (D-Ky.), Chairperson

Committee on Agriculture, Nutrition and Forestry
U.S. Senate
Washington, D.C. 20510
(202) 224-2035
Herman Talmadge (D-Ga.), Chairperson

KEY

* Proposed School Food Legislation
** Introduced in Leglislature but not enacted
*** Enacted Leglislation

Appendix
THE STATE BILLS

MASSACHUSETTS

STATE LEGISLATION

BUREAU OF NUTRITION EDUCATION AND SCHOOL FOOD SERVICES

SPECIAL ACT 1948, C 548

(Including amendments by Chapters 303, 1949; 417, 1950; 538, 1951; 637, 1953; 256, 1954; 889, 1965; 610, 1965; 650, 1969; 871, 1970)

AN ACT DESIGNATING THE "STATE EDUCATION AGENCY" AS REQUIRED BY THE UNITED STATES GOVERNMENT IN CARRYING OUT THE PROVISIONS OF THE NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACTS.

SECTION 1. The Board of Education is hereby designated as the "State Education Agency" to represent the commonwealth in dealing with the secretary of agriculture of the United States in carrying out the provisions of the National School Lunch Act as enacted into law on June fourth, nineteen hundred and forty six, as amended, the Child Nutrition Act of 1966, as amended, and such other federal laws as may be enacted relating to nutrition education and food services to children.

SECTION 2. Pursuant to any power of school committees to operate or provide for the operation of school food service programs under their jurisdiction, a school committee of any town may establish, maintain, operate and expand a school food service program for the pupils in any school building under the jurisdiction of said committee, may make all contracts necessary to provide material, personnel and equipment needed to carry out the provisions of this act; and if necessary, may expend funds to meet the matching requirements and any other provisions of said National School Lunch Act, and such other acts as are provided for in section one of this act.

SECTION 3. School committees may use therefore funds disbursed to them under the provisions of this act, gifts and other funds received from sale of school lunches and other meals under such programs. Such contributions received in the form of money, together with fees from the sale of lunches, other meals and any allotments received from the state under the provisions of this act for said purposes, shall be deposited with the treasurer of such town or, in cases where the town is a member of a regional school district, with the treasurer of such district, and held as a separate account and expended by said school committee without appropriation, notwithstanding the provisions of section fifty-three of chapter forty-five of the General Laws. Nothing in this act shall prevent cities or towns from appropriating funds in addition to those provided from other sources.

SECTION 4. The bureau of nutrition education and school food services, with the approval of the comissioner, shall prescribe regulations for the keeping of accounts and records and the making of reports by or under the supervision of school committees. Such accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for such period of time, not in excess of five years, as the bureau may lawfully prescribe. The bureau shall conduct or cause to be conducted, such audits, inspections and administrative reviews of accounts, records and operations with respect to school food service programs as may be necessary to determine whether its agreements with school committees or other sponsors of school food service programs and other regulations made pursuant to this act are being complied with and to insure that school food service programs are effectively administered. The Bureau may by regulations establish standards and qualifications, which shall be subject to the approval of the board of education, for the positions of school food service supervisors, managers and other food service personnel which are not subject to chapter thirty-one of the General Laws and establish training programs for such personnel.

SECTION 4a. Notwithstanding the provisions of section four of this act any standards and qualifications, established by regulations thereunder for positions of school food service supervisors, managers and other food service personnel which are not subject to chapter thirty one of the General Laws, shall not take effect until two years after the promulgation of said regulations by the bureau of nutrition education and school food services, nor shall such standards and qualifications apply to any person who was employed in school food service by a school committee immediately prior to the effective date of such regulations.

SECTION 5. The bureau of nutrition education and school food services is hereby authorized to the extent that funds are available for that purpose, and, in cooperation with other appropriate agencies and organizations, to conduct studies as to the methods of improving and expanding school food service programs and promoting nutrition education in the schools, to conduct appraisals of the nutritive benefits of the school food service programs and to report its findings and recommendations from time to time to the commissioner of education.

SECTION 6. The commissioner of education is hereby authorized to reimburse, from such funds as may be appropriated therefor, sponsors of non-profit school food service programs to the extent that federal funds apportioned to the commonwealth are insufficient to provide the full reimbursement to which such sponsors may be entitled pursuant to the provisions of school food service agreements entered into by the department of education and such sponsors, in accordance with the provisions of the National School Lunch Act and the Child Nutrition Act of 1966, as amended.

The commissioner of education is hereby further authorized to reimburse from such funds as may be appropriated for the purpose of providing free lunches and breakfasts to children, sponsors of non-profit school food service programs to the extent that federal funds apportioned to the commonwealth for the purpose of providing free meals to children are insufficient to cover the average statewide cost of such free meals as determined by the bureau of nutrition education and school food services in the department of education. To the extent that funds are available, free meals shall be provided to all children from families receiving public assistance, to all children from families whose net incomes and assets are comparable to those of families of like size receiving public assistance and to all children who in the opinion of school officials or public health authorities have need for dietary implementation.

The term "non-profit school food service programs", as used in this section, shall mean the school's food services are administered, managed and operated solely by employees of the governing body of said school and all funds received in connection with such services shall be used solely for the operation and improvement of school food services for children.

Upon report to the commissioner of education on such blanks and in such form as he may prescribe, in accordance with the provisions of said National School Lunch Act and said Child Nutrition Act of 1966, of any expenditure hereunder, said commissioner shall, if he approves the same, certify to the comptroller such payments as are due and the state treasurer shall pay the same.

SECTION 7. The commissioner of education is hereby authorized to accept and distribute surplus agricultural commodities donated to the commonwealth by the United States department of agriculture for distribution to schools and other eligible agencies, and to supervise, administer and provide means for the distribution of said commodities, and in like manner to provide for the distribution of any other commodities received from the United States, or through said department or any successor thereto, and to enter into agreements and contracts with the federal government and cities, towns and other eligible agencies of the commonwealth for the purposes of this act. Any monies contributed by the cities, towns, and other eligible agencies within the commonwealth for the maintenance of said activities shall be paid into the state treasury, maintained as an independent fund and disbursed only on authorization of any commissioner of education.

SECTION 8. Nothing in this act shall prevent the bureau of nutrition education and school food services from rendering technical, advisory and other assistance to any other schools of the commonwealth which may not be participating under the provisions of the National School Lunch Act and Child Nutrition Act and which may request such assistance in the operation of their school food service program; provided, however, that no financial assistance shall be furnished these schools unless they are complying with all the rules and regulations which may be in effect or be established under the provisions of said acts, as amended, and such other acts as are provided for in section one of this act.

SECTION 9. The department of education in cooperation with the department of public health and local superintendents of schools shall be responsible for the development, promotion, supervision and coordination of nutrition education programs in the schools of the commonwealth.

SECTION 10. There shall be employed in the bureau of nutrition education and school food services a senior supervisor in education whose duties shall include, among others, the development, promotion, supervision and coordination of nutrition education in the schools of the commonwealth as provided for in section nine.

There shall also be employed by the bureau six supervisors in education, one for each of the department's districts, who shall be specialists in nutrition and shall assist the senior su-

pervisor in carrying out the provisions of section nine in order to provide service programs which satisfy the culinary tastes of Puerto Rican and immigrant children, to encourage the participation of children and insure the long range effectiveness of the several nutrition programs authorized by this act.

In addition, the bureau shall provide nutrition education programs for non-profit preschool child care and summer camp programs; high risk health groups; commodity distribution or other emergency family food programs; elderly feeding and for any other food service programs.

SECTION 11. Contingent on the federal government providing not less than sixty per cent of the national average cost of serving a free lunch to children, the commonwealth agrees to provide from state and local funds, including children's payments, forty per cent or such lesser amount as may be required to meet the full cost of providing free lunches to children in the first year such federal funds are available. Each year thereafter, contingent on the federal government continuing to provide not less than sixty per cent of the cost of such free lunches, the selling price of lunches to children shall be reduced annually by five cents until lunches are available completely free to children.

The ratio of state and local funds required to make up the difference between the extent that federal funds are provided to meet the full cost of providing free lunches to children shall be sixty per cent state and forty per cent local, or an overall ratio of not less than sixty per cent federal funds and not more than thirty per cent state or ten per cent local funds.

SECTION 12. The bureau of nutrition education and school services may, to the extent that federal, state and/or local funds are available, contract with or act in behalf of all or any group of cities, towns or regional school districts for the establishment and operation of one or more regional food service production centers for the purpose of providing meals to children on a more economical basis than could be provided by a community acting individually. The bureau may also contract with private food service companies on behalf of cities, towns and regional school districts, if so requested by and at the expense of such cities, towns and regional school districts, to provide a complete breakfast, type A lunch, or one or more of their components for delivery to participating non-profit private or public school, child care center and community center for service by such school, child care center or community center to children or elderly within the eligible participating agencies in accordance with the provisions of this act and chapter seven hundred and three of the acts of nineteen hundred and sixty-nine.

OTHER STATE LEGISLATION AFFECTING THE BUREAU OF NUTRITION AND SCHOOL FOOD SERVICES

Chapter 15 of the General Laws, Section 1G, thirteenth paragraph , as amended by Chapter 871 of the Act of 1970, Section 1.

The board shall establish minimum nutritional standards and regulations for all school food services and shall require all public schools operating on a "one session day" to make lunches available to children no later than September, nineteen hundred and seventy-two. The board shall also require all public schools to make lunches available to children no later than September, nineteen hundred and seventy three. The board shall further require all public schools which draw their attendance from areas with a high number of needy children, as defined by the bureau of nutrition education and school food services in the department, to make school breakfast programs available to children no later than September, Nineteen hundred and seventy-two.

Chapter 70 of the General Laws, Section 2, Paragraph (c), as amended by Chapter 791, Section 1, of the Acts of 1967, and Chapter 871, Section 6, of the Acts of 1970.

(c) "Reimbursable Expenditures", the total amount expended by a city or town during a fiscal year for the support of public schools during said year exclusive of expenditures for transportation, for food for school food service programs, for special classes for the physically handicapped and the mentally retarded, for programs of vocational education as provided in chapter seventy-four and for capital outlays, after deducting therefrom, any receipts from tuition, receipts from the federal government, the proceeds of any invested funds, and grants, gifts and receipts from any other source, to the extent that such receipts are applicable to such expenditures. The commissioner of education may, by regulation, further define the expenditures and receipts that may be included hereunder.

Chapter 645 of the General Laws, Section 5, definition of "Approved School Project", of the Acts of 1948, as amended by Chapter 703, Section 1, of the Acts of 1957, Chapter 754 of the Acts of 1968, and Chapter 871, Sections 5 and 7, of the Acts of 1970.

"Approved School Project" shall mean any project for the construction or enlargement of a regional, consolidated or county agricultural school, or of any public schoolhouse in any city or town, or of any central food production facility for the purpose of preparing school food services for distribution to any schools in any city, town, county, or regional school district, and shall include the original equipment and furnishings whether movable or built in, to complete said project, the contract or contracts for which shall have been awarded on or after January the first, nineteen hundred and forty six, by any city, town, county or regional school building committee, which has been approved by the commission for the purposes of sections seven through nine, inclusive. Approved school project shall, in addition, include any project for the construction, acquisition, or enlargement of central food production facilities for the purpose of preparing school lunches for distribution to any school or schools in a city or town, county, or regional school district or for the acquisition of a structure or structures and the alteration thereof for use as central food production facilities for such purpose, and shall include the original equipment and furnishings, whether movable or built in, to complete said project; provided, however, that the contract or contracts for any such project is awarded on or after January the first, nineteen hundred and seventy, and is approved by the commission for the purposes of sections seven through nine, inclusive.

Chapter 15 of the General Laws, Section 1L, as amended by Chapter 753 of the Acts of 1970, Section 1. (Chapter 703 of the Acts of 1969 is repealed by Chapter 753 of the Acts of 1970, Section 2.)

SECTION 1L. The school committee of any city or town designated by the division of social and economic opportunity in the department of community affairs may extend the school lunch period for the purpose of serving lunches to authorized elderly persons. Private schools in any city or town so designated may also participate.

The governing body of each city and town shall be responsible for developing a plan for a year-round hot lunch program for the elderly.

The bureau of nutrition education and school food services in the department of education may contract with non-profit public or private agencies for the preparation and serving of meals to the elderly in accordance with the provisions of this section.

Such meals may be prepared by schools and non-profit agencies and served on site or in central production centers for service at sites more convenient to the elderly.

The operation of such school lunch programs by public or private agencies shall be subject to the following conditions and restrictions:

(1) The charge to such persons for each lunch shall not exceed fifty cents.

(2) The lunches served shall meet all the nutrition standards established by the department of education.

(3) The procedure determined by such school committee or such private school in serving such lunches shall be approved by the division of social and economic opportunity in the department of community affairs and the bureau of nutrition education and school food services in the department of education.

(4) The division of social and economic opportunity in the department of community affairs shall provide each such person with an identification card authorizing his participation in such lunch programs.

As used in this section, the words "authorized elderly persons" shall mean persons over fifty-nine years of age whose participation in the program has been approved by the division of social and economic opportunity in the department of community affairs. The commonwealth may, subject to appropriation, reimburse any city or town, public school, private school or non-profit public or private agency for such costs, excluding any costs for equipment, as are incurred in excess of fifty cents for each such lunch prepared and served, upon written request by such city or town, public school, private school or non-profit public or private agency to the commissioner of education on such form as he may prescribe. If the commissioner approves such request, he shall certify to the comptroller that such payments are due and the state treasurer shall pay the same. Any federal funds provided annually for the purposes of this program shall be expended prior to the use of any funds appropriated by the commonwealth.

ILLINOIS

COMMUNITY SCHOOL LUNCH PROGRAMS – FREE BREAKFAST AND LUNCH PROGRAMS

§ 712.1 Definitions

For the purposes of this Act:

"School board" means school principal, directors, board of education and board of school inspectors of public and private schools.

"Welfare center" means an institution not otherwise receiving funds from any governmental agency, serving lunches to children of school age or under, in conformance with the authorized school lunch program.

"Free breakfast program" means those programs through which school boards may supply all of the needy children in their respective districts with free school breakfasts.

"School lunch program" means the program whereby certain types of lunches called balanced, nutritious lunches adopted as standard types and designated by the Superintendent of Public Instruction, are furnished to students.

"Comptroller" means Comptroller of the State of Illinois.

§ 712.2 Reimbursement of Sponsors

The Superintendent of Public Instruction is authorized to reimburse school boards, welfare centers, and other designated sponsors of school lunch programs for a portion of the costs of food served in balanced, nutritious lunches, and served to students in schools operated not for profit, in non-profit public or parochial schools and non-profit welfare centers.

The Superintendent of Public Instruction shall reimburse the amount of actual cost not to exceed $ 0.15 to School Boards for each free lunch and $ 0.15 for each free breakfast supplied by them. This appropriation shall be in addition to any federal contributions for Free Lunch Programs.

§ 712.3 Agreements with Sponsors – Standardized Lunches

The Superintendent of Public Instruction is authorized to enter into agreements with the sponsors of school lunch programs, and shall prepare a standardized, general list of type lunches for which the State will reimburse, subject to the provisions of Section 8, the sponsors of school lunch programs, as follows:

For each type of lunch designated as Type A, not more than 4 cents.

The Superintendent of Public Instruction is also authorized to enter into agreements with any governmental agency, school boards or welfare centers which would permit the distribution of surplus commodities or in any other way tend to improve the school lunch program.

§ 712.4 Accounts – Copies of Menus Served – Free Lunch Program Required

School boards and welfare centers shall keep an accurate, detailed and separate account of all moneys expended for school lunch programs and free breakfast and free lunch programs, and of the amounts for which they are reimbursed by any governmental agency, moneys received from students and from any other contributors to the program. School board and welfare centers shall also keep on file a copy of all menus served under the school lunch program or free breakfast or free lunch program, which together with all records of receipts and disbursements, shall be made available to representatives of the office of the Superintendent of Public Instruction at any time.

Every public school must have a free lunch program in effect by September 1, 1970.

§ 712.5 Application for Participation in Program.

Applications for participation in the school lunch program, the free breakfast program and the free lunch program shall be made on forms provided by the Superintendent of Public Instruction and filed with him, through the County Superintendent of Schools.

§ 712.8 Filing and forwarding Claims for Reimbursement

School boards and welfare centers shall file claims for reimbursement in duplicate, on forms provided by the Superintendent of Public Instruction, with the County Superintendent of Schools, not later than the tenth day of each month, for any school lunch program or free breakfast or free lunch program cost incurred during the next preceding calendar month.

The County Superintendent of Schools shall sign and forward to the Superintendent of Public Instruction, not later than the fifteenth day of each month, one copy of each such claim filed with him.

§ 712.9 Report of Claims Certified – Payment of Claims

The Superintendent of Public Instruction shall prepare and certify to the State Comptroller not later than the twenty-fifth day of each month, a report of all claims certified to him by the County Superintendent of Schools, for State reimbursement, setting forth the amount due each school and welfare center therefore, whereupon the Comptroller shall draw his warrants on the State Treasurer for the amounts certified to him to the country superintendent of schools for the various school districts and welfare centers in their respective counties certified thereto. The county superintendent straightway shall transmit the payment to the respective school boards through the proper school treasurer or to the welfare centers.

CALIFORNIA
ARTICLE 8.
CHILD NUTRITION ACT OF 1974

§ 11921. Legislative Intent

(a) The Legislature finds that (1) the proper nutrition of children is a matter of highest state priority, and (2) there is a demonstrated relationship between the intake of food and good nutrition and the capacity of children to develop and learn, and (3) the teaching of the principles of good nutrition in schools is urgently needed to assist children at all income levels in developing the proper eating habits essential for lifelong good health and productivity.

(b) It is the policy of the State of California that no child shall go hungry at school or a child development program and that schools and child development programs conducted pursuant to Division 12.5 (commencing with Section 16700) have an obligation to provide for the nutritional needs and nutrition education of all pupils during the schoolday and all children receiving child development services.

§ 11921.5 "Child nutrition entity"

As used in this article, "child nutrition entity" means any school district, county superintendent of schools, child development program operated pursuant to Division 12.5 (commencing with section 16700), local agency, private school, or parochial school, which qualifies for federal aid under the federal school lunch program or the federal child nutrition programprescribed, respectively, by Chapter 13 (commencing with Section 1751) and Chapter 13A (commencing with Section 1771) of Title 42 of the United States Code.

§ 11922 Application for funds

Any child nutrition entity may apply to the Department of Education for all available federal and state funds so that a nutritionally adequate breakfast or lunch, or both, may be provided to pupils each schoolday at each school in such districts or maintained by such county superintendent of schools, or at such private schools and parochial schools and to children receiving child development services. The State Board of Education shall adopt rules and regulations for the operation of lunch and breakfast programs in school districts. A child nutrition entity which receives state funds pursuant to this article, shall provide breakfasts and lunches in accordance with the state and federal guidelines.

§ 11923. Contracts for prepared meals

Any child nutrition entity which has inadequate or no food preparation facilities as determined by the Department of Education, and is, therefore, unable to provide a nutritionally adequate breakfast or lunch, or both, may contract with other school districts, county superintendents of schools, public agencies, or nonprofit private agencies for the preparation and delivery of such meals.

§ 11925. Nutrition education programs

(a) The Department of Education shall formulate the basic elements of nutrition education programs for child nutrition entities participating in programs established under this article. Such programs shall coordinate classroom instruction with the food service program and shall be of sufficient variety to meet the needs of pupils in the total spectrum of education, including early childhood, elementary and secondary schools, special education classes and programs and child development programs.

(b) Nutrition education programs shall be maintained on a project approval basis. The State Board of Education shall establish rules

and regulations for nutrition education projects. Such projects shall be approved by the State Board of Education upon recommendation of the Department of Education. County offices of education may apply for and receive funds on behalf of school districts under their jurisdiction in order to implement projects.

Projects may include, but need not be limited to, innovative ways to coordinate the school meal services program with the nutrition education program; development of community resources for purposes of nutrition education; instructional programs for teachers, parents, food service employees; and training and utilization or paraprofessionals to assist the instruction staff.

§11927. Child care and development program allocations

Funds allocated pursuant to subdivision (a) of Section 17459 to child nutrition entities for school and child care and development program meals pursuant to this article shall be disbursed on the basis of five cents ($0.05) for each breakfast and five cents ($0.05) for each lunch served.

The Department of Education shall, prior to July 1 of each year, prescribe an adjustment in the state meal contribution rates established pursuant to this section for the forthcoming fiscal year. Such adjustments shall reflect the changes of operating a school breakfast and lunch program and shall be made commencing on July 1 of each year. Such adjustment shall be the average of the separate indices of the "Food Away From Home Index" for Los Angeles and San Francisco as prepared by the United States Bureau of Labor Statistics.

In giving effect to the cost of living provisions of this section, the Department of Education shall use the same months for computation of the percentage change in the cost of living after July 1, 1975. The same month shall be used annually thereafter. The product of any percentage increase or decrease in the average index and the per meal reimbursement disbursement rate shall be adjusted by the amount of any cost of living change currently in effect pursuant to the provisions of this section.

ARTICLE 9
MANDATORY SCHOOL DISTRICT AND COUNTY SUPERINTENDENT OF SCHOOLS MEALS FOR NEEDY PUPILS IN KINDERGARTEN AND GRADES 1 TO 12 [NEW]

Sec.-
11930. Free or reduced price meals.
11931. Standards and guidelines.
11932. Regulations defining needy children.
11933. Nutritionally adequate breakfast or lunch.
11934. Contracts for prepared meals.
11935. Submission of plan to implement article.
11936. Supervision and investigation of noncompliance; securing compliance.

§11930. Free or reduced price meals

Notwithstanding any other provisions of law, each school district and county superintendent of schools maintaining any kindergarten or any of grades 1 to 12 shall, commencing on July 1, 1977, provide for each needy pupil enrolled therein, one nutritionally adequate free or reduced price meal during each schoolday.

§11931. Standards and guidelines

The State Board of Education shall adopt regulations prescribing standards and guidelines for carrying out the purposes of this article.

§11932. Regulations defining needy children

For the purposes of this article, the State Board of Education shall adopt regulations defining needy children within the permissible limitations prescribed by the relevant federal statutes and regulations.

§11933. Nutritionally adequate breakfast or lunch

For the purposes of this article, a nutritionally adequate breakfast or lunch is one which meets one-third of the daily allowance as established by the National Research Council. Where both breakfast and lunch are provided, they shall together, provide at least one-half to two-thirds of this recommended daily dietary allowance.

§11934. Contracts for prepared meals

Any school district or county superintendent of schools which has inadequate or no food preparation facilities as determined by the Department of Education and is, therefore, unable to provide a nutritionally adequate breakfast or lunch or both, may contract with other school districts, county superintendents of schools, public agencies, or nonprofit private agencies for the preparation and delivery of such meals.

§11935. Submission of Plan to Implement article

A school district or county superintendent of schools which is not providing each enrolled needy pupil with at least one nutritionally adequate free or reduced price meal during each schoolday, shall submit to the Superintendent of Public Instruction no later than July 1, 1976, a plan of operation for implementation of Section 11930.

§11936. Supervision and investigations of noncompliance; securing compliance

The Superintendent of Public Instruction shall supervise the implementation of this article and shall investigate acts of alleged noncompliance. In the event the Superintendent of Public Instruction finds that a school district or county superintendent of schools has failed to comply with the provisions of this article, the Superintendent of Public Instruction shall certify such noncompliance to the Attorney General. The Attorney General shall conduct such investigations as may be necessary to document the noncompliance. The Attorney General shall seek injunctive relief to secure compliance with this article, when such action is requested by the Superintendent of Public Instruction.

SOUTH CAROLINA

An Act To Make Appropriations To Meet The Ordinary Expenses Of The State Government For The Fiscal Year Beginning July 1, 1975 And For Other Purposes

For the fiscal year 1975-1976 except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from other departmental or institutional source or activity, shall be remitted to the State Treasurer as collected, when practicable, but at least once a week, and shall be credited, unless otherwise directed by law, to the General Fund, of the State . . .

Provided, Further, That all County School District Superintendents shall mandate that each school principal shall institute a breakfast program within their respective schools when such school is deemed eligible and that the State Department shall assist such schools in the formation of such programs, and shall take the steps necessary to ascertain compliance to provide a free breakfast for all eligible children.

[This was part of a one-year appropriations bill and, as such, was only in effect for one year.]

NEW YORK

Breakfast Price for Eligible Pupils in Certain School Districts

CHAPTER 537

An Act in relation to paid, free and reduced price breakfast for eligible pupils in certain school districts.

Approved and effective July 20, 1976

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. a. As used in this act: i. the term "pupil" means a child attending any public school in any grade from pre-kindergarten through high school, whether such pupil attends classes on either a full day, split session or half day basis, provided, however, a pupil attending an afternoon session shall be eligible only for the school lunch program.

ii. The term "participating school facility" means a public school which participated on or after January first, nineteen hundred seventy-six in the National School Lunch Program.

iii The term "school district" means a city school district of a city with one hundred twenty-five thousand inhabitants or more according to the latest federal census which participated on or after January first, nineteen hundred seventy-six in the National School Lunch Program.

b. By no later than September first, nineteen hundred seventy-six, each school which has one third or more of its pupils from households having incomes less than the level of free breakfast eligibility as promulgated pursuant to section nine of the National School Lunch Act as amended (42 U.S.C. 1758), and section four (e) of the Child Nutrition Act of nineteen hundred sixty-six as amended (42 U.S.C. 1773 (e)), shall establish a school breakfast program for which each pupil attending any participating school facility shall be afforded the opportunity to receive a free, reduced and full price breakfast meeting the nutritional standards established by the United States Department of Agriculture pursuant to the federal Child Nutrition Act for type A breakfast, and as required by the then controlling federal legislation and derivative regulations.

c. By no later than September first, nineteen hundred seventy-seven, each school district shall establish a school breakfast program for which each pupil attending any participating school facility under the district's jurisdiction shall be afforded the opportunity to receive a free, reduced, and full price breakfast pursuant to the requirements of the act.

d. In accordance with subsections (c) and (d) of section seventeen hundred seventy-three of title forty-two of the United States Code and derivative regulations, the commissioner of education shall determine which participating school facilities are financially unable to support the service of free and reduced price breakfasts and therefore are considered "especially needy" school facilities. Such school facilities subsequently shall be assigned the appropriate increased "especially needy" per meal reimbursement calculated pursuant to such code and regulations in support of the cost of free and reduced price breakfasts.

e. In the division of free and reduced price meals for the school breakfast programs, the state commissioner of education shall prescribe maximum eligibility standards permissible under section nine of the National School Lunch Act and section four of the Child Nutrition Act.

f. The time of day at which the breakfast is served shall be determined by the local school authorities for each participating school facility and shall not necessarily be limited to the period before which class begins.

g. No school district shall be required to operate a breakfast program in any of its schools if the state elects to terminate participation in the National School Breakfast Program; nor shall any district be required to operate a breakfast program if the corresponding federal program is no longer made available by the federal government or the federal funding thereunder is withdrawn, for any reason whatsoever.

2. Notwithstanding and monetary limitations with respect to school breakfast programs contained in any law or regulation in the school years commencing July first, nineteen hundred seventy-six and thereafter, the available per free breakfast state subsidy shall not be less than eleven cents, the available per reduced price breakfast state subsidy shall not be less than twelve cents, and the available per paid breakfast state subsidy shall not be less than twenty-five hundredths cents.

3. The state commissioner of education hereby is directed to request the bureau of school food management to provide any additional information and assistance which may be required by the schools and school districts to aid them in developing and implementing the various school food programs.

4. This act shall take effect immediately.

OHIO
AN ACT

To amend section 3313.81 and to enact section 3313.813 of the Revised Code to require boards of education to establish breakfast and lunch programs and to provide eligible pupils with an opportunity to receive breakfast and lunch free or at a reduced price.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. That section 3313.81 be amended and section 3313.813 of the Revised Code be enacted to read as follows:

Sec. 3313.81. The board of education of any city, exempted village, or local school districts may establish food service, provide facilities and equipment, and pay operating costs in the schools under its control for the preparation and serving of lunches, and other meals or refreshments to the pupils, employees of the board of education employed therein, and to other persons taking part in or patronizing any activity in connection with the schools. A board of education that operates such a food service may also provide meals at a cost to residents of the school district who are sixty years of age or older or may contract with public or private nonprofit organizations providing services to the elderly to provide nutritious meals for persons who are sixty years of age or older. Restrictions or limitations upon the privileges or use of facilities by any pupil, employee, person taking part in or patronizing a school related activity, or elderly person must be applied equally to all pupils, all employees, all persons taking part in or patronizing a school-related activity, or elderly persons, respectively.

Such facilities shall be under the management and control of the board and the operation of such facilities for school and food service purposes or to provide meals for the elderly shall not be for profit. In the operation of such facilities for school food service purposes there shall be established a food service fund in the clerk's cash journal, which shall be separate from all other funds of the board. All receipts and disbursements in connection with the operation of food service for school food service purposes and the maintenance, improvement, and purchase of equipment for school food service purposes shall be paid directly into and disbursed from the food service fund which shall be kept in a legally designated depository of the board. Revenues for the operation, maintenance, improvement, and purchase of equipment shall be provided by the food service fund, appropriations transferred from the general fund, federal funds, and from other proper sources. Records of receipts and disbursements resulting from the provision of meals for the elderly shall be separately maintained, in accordance with section 3313.29 of the Revised Code.

The enforcement of this section shall be under the jurisdiction of the state board of education.

Sec. 3313.813 The state board of education shall establish standards for, and require the board of education of each school district to establish and maintain, a school breakfast and lunch pursuant to the "National School Lunch Act," 82 Stat. 117 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 890, 42 U.S.C. 1771, as amended.

(A) Not later than January 1, 1977, the state board shall require each board of education to establish a breakfast and lunch program in every school meeting the criteria for an "especially needy school," as that phrase is defined in Title 7, Code of Federal Regulations, Section 230.2 (H).

(B) Not later than September 1, 1977, the state board shall require the board of education in each school district to establish a breakfast program in every school where at least one-third of the pupils in the school are eligible under the then existing federal requirements for free breakfasts and to establish a lunch program in every school where at least one-third of the pupils are so eligible for free lunches.

(C) Not later than September 1, 1978, the state board shall require the board of education in each school district to establish a breakfast program in every school in which the parents of at least one-half of the children enrolled in the school have requested that a breakfast program be established.

The board of education required to establish a program under this division may make a charge for each meal to cover all or part of the costs incurred in establishing such a program.

(D) If a school district cannot for good cause comply with the deadlines of this section, the state board of education may grant a reasonable extension of time. Good cause for an extension of time shall include, but need not be limited to, economic impossibility of compliance with the deadlines of this section.

Section 2. That existing section 3313.81 of the Revised Code is hereby repealed.

MICHIGAN
STATE OF MICHIGAN
78TH LEGISLATURE
REGULAR SESSION OF 1976

Introduced by Reps. Clodfelter, Elliott, Vaughn, Scott, Spaniola, Bullard, Raymond W. Hood, Kehres, Hollister, Wolpe, F. Robert Edwards and Holcomb

ENROLLED HOUSE BILL No. 4233

AN ACT to promote the health of school pupils; to provide for school meal programs and services; to establish standards of nutrition and eligibility for school lunches, breakfasts, and supplemental milk; to prescribe powers and duties of the state board of education, and local school boards, to prohibit discrimination; and to provide for appropriations and subsidies.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

(a) "Board" means the governing body of a local school district or a local act school district.

(b) "Free lunch or breakfast" means a lunch or breakfast for which neither the pupil nor any member of the pupil's household reimburses or compensates the school district.

(c) "Household" means a person or a group of related or nonrelated persons who are living together as 1 economic unit.

(d) "Parent" means a parent, guardian, custodian, or other person upon whom a pupil is dependent for care.

(e) "Pupil" means a person attending a school of a district other than a person enrolled in an adult education program.

(f) "Reduced price lunch or breakfast" means a lunch or breakfast which meets all of the following criteria: the price is less than the full cost of the meal; the price does not exceed the maximum allowable rate established by the national school lunch act, 42 U.S.C. 1751 to 1764 and 1784, and the child nutrition act of 1966, 42 U.S.C. 1771 to 1786, and the price in cash and no other form of reimbursement or compensation is required.

(g) "State board" means the state board of education.

(h) "Department" means, unless otherwise specifically indicated, the state department of education.

Sec. 2 The board shall establish and operate a school lunch, breakfast, and supplemental milk program pursuant to section 4.

Sec. 3 (1) Within 90 days after the effective date of this act, the state board shall promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, and in accordance with this act and United States department of agriculture regulations, to implement and administer school lunch, breakfast, and supplemental milk programs required by section 4.

(2) The rules shall:

(a) Establish minimum nutrition requirements for school lunch, breakfast, and supplemental milk programs. The requirements, at a minimum, shall meet standards prescribed by the United States department of agriculture for lunches, breakfasts, and supplemental milk in accordance with section 9 of the national school lunch act, 42 U.S.C. 1758.

(b) Establish standards of income eligibility for free and reduced price lunches and breakfasts and free supplemental milk based upon income guidelines which are determined by household size. The standards of income eligibility shall not be lower than the maximum household income limits prescribed by the United States department of agriculture pursuant to section 9 of the national school lunch act, 42 U.S.C. 1758.

(c) Prescribe methods for application for and determination of pupil eligibility for free and reduced price lunches and breakfasts and free supplemental milk. The methods shall ensure the confidentiality of the information contained in the application for eligibility for free and reduced price lunches and breakfasts and free supplemental milk.

(d) Prescribe guidelines to assure that a pupil or household eligible to receive free or reduced price lunches or breakfasts or free supplemental milk is not discriminated against or overtly identified.

(e) Prescribe methods for parent and pupil participation in the planning and evaluation of school meals or other foods sold or dispensed on school premises.

(f) Prescribe methods to accommodate food preferences of pupils.

(g) Prescribe nutritional standards for foods other than those included in subdivision (a) that are permitted to be sold on school premises.

(h) Prescribe a uniform reporting system for the collection, compilation, and analysis of data relative to the administration of this section and section 4.

(i) Prescribe other necessary standards and procedures to efficiently and effectively administer this section and section 4.

(3) The department shall make an annual report to the legislature relating to the implementation and administration of this section and section 4, and shall send a copy of the report to each intermediate district.

(4) The department shall pay a school district for each free lunch served by a school which participates in the federal school lunch program and complies with this section and section 4. The payment shall be calculated by subtracting the federal reimbursement rate for a free lunch from the actual average cost of the lunch, but not to exceed 5 cents per meal.

(5) The department shall pay a school district for each reduced price lunch served by a school which participates in the federal school lunch program and complies with this section and section 4. The payment shall be calculated by subtracting the sum of the federal reimbursement rate for a reduced price lunch plus the fee charged from the actual average cost of the lunch, but not to exceed 2 cents per meal.

(6) The payments required by subsections (4) and (5) shall be in addition to disbursements made by the department from funds credited to the state's matching share required by section 5 of Public Law 94-105, 42 U.S.C. 1756.

(7) The department shall prescribe a method for determining, and shall determine, the actual, reasonable and necessary initial equipment and capital outlay costs incurred by a school district after the effective date of this act for the specific purpose of complying with section 4 (1) and shall report to the legislature with recommendations for full reimbursement of all such costs not otherwise reimbursed or scheduled to be reimbursed with federal or state funding or permissible pupil payments. The legislature shall appropriate and the department shall allocate, as a part of the annual department appropriations and allocations, the approved amount due the school district under this subsection.

Sec. 4. (1) Beginning October 1, 1977, the board shall establish and operate a school lunch program under which a lunch shall be made available to all pupils enrolled in the schools of the district. The lunch shall meet minimum standards prescribed by the department. The board may charge a fee for each lunch, except that the board shall provide free and reduced price lunches to pupils eligible under the rules promulgated pursuant to section 3 (2). The fee charged shall not exceed the actual average daily cost of the lunch less the amount of food and financial assistance received by the board for each lunch served.

(2) Beginning October 1, 1977, the board shall establish and operate a school breakfast program under which a breakfast shall be made available to all pupils enrolled in an eligible school district. The breakfast shall meet minimum standards prescribed by the department. The board may charge a fee for each breakfast, except that the board shall provide free and reduced price breakfasts to pupils eligible under the rules promulgated pursuant to section 3 (2). The fee charged shall not exceed the actual average daily cost of the breakfast less the amount of food and financial assistance received by the board for each breakfast served. As used in this subsection, "eligible school" means a school in which 20% or more of the pupils are potentially eligible to receive free or reduced price lunches. This subsection shall not apply to a school of a fourth class school district where 25% or more of the students enrolled at the school are transported more than 5 miles or to a primary school district.

(3) Beginning October 1, 1977, the board shall establish and operate a supplemental milk program under which milk shall be made available to all pupils who are enrolled in the schools of the district which do not participate in the school lunch or breakfast program. The board may charge a fee for the milk, except that the board shall provide free milk to pupils eligible under the rules promulgated pursuant to section 3 (2). The fee charged for milk shall not exceed the cost of the milk and accessories less the amount of financial assistance received by the board.

(4) The board shall insure that a pupil eligible to receive a free or reduced price lunch or breakfast or free supplemental milk shall not be discriminated against nor shall there be any overt identification of an eligible pupil by the use of special tokens or tickets; the announcement, posting, or publication of names; physical separation; choice of meal; or any other means.

(5) Each board shall submit to the department, in the manner prescribed by the department, a plan for compliance with this section. The plan shall be submitted within 90 days after receiving directives for plan content from the department.

(6) The board shall not be required to fully comply with subsections (1), (2), and (3) during a particular school year if the state board finds that an emergency exists in the district due to extreme financial conditions because of insufficient operating or capital outlay funds which render the district unable to provide school meal programs in compliance with this act, even with the financial assistance provided under section 3, the national school lunch act, and the child nutrition act of 1966. The board may apply, in writing, to the state board for approval to provide school meals or services which do not comply with this act. The application shall be submitted not later that July 1, for a subsequent school year, shall demonstrate the need to provide noncomplying school meal programs and services and shall include the proposed programs and services the board can provide and the efforts to alleviate the emergency. If the state board

finds that an emergency exists, it shall approve the provision of noncomplying meal programs or services and prescribe conditions for the programs or services. The state board may extend the filing date for good cause.

(7) If the federal subsidy per meal served falls below the 1975 - 76 level, or if the state subsidy per meal served is less than the figures specified in section 3, the requirements of this section shall be waived.

(8) For the 1977-78 school year only, a school district providing a suitable place for home-packed lunches to be eaten and offering milk for sale pursuant to subsection (3) shall be considered in compliance with this section. This subsection shall expire September 1, 1978.

Sec. 5. Section 581 of Act No. 269 of the Public Acts of 1955, being section 340.581 of the Compiled Laws of 1970, is repealed effective January 1, 1977.

This act is ordered to take immediate effect.

JULY 1977 MICHIGAN MANDATORY SCHOOL FOOD SERVICE AMENDMENT – ACT 43

Sec. 1272. The board of a school district may use general funds to provide the necessary personnel, equipment, supplies, and food to furnish meals for regularly enrolled pupils, and may accept produce and financial reimbursement from the state to supplement the resources of the district. The board may provide the meal program by contract for a period of not more than 3 years, or it may engage directly in the business. The board may charge a fee for each meal furnished in accordance with sections 1272a to 1272d.

Sec. 1272a (1) Beginning October 1, 1978, the board of a K to12 school district shall:

(a) Establish and operate a program under which a lunch shall be made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district.

(b) Establish and operate a supplemental milk program under which milk shall be made available to all full-time pupils enrolled and in regular attendance in a public school of the district who do not participate in the school lunch program.

(2) Beginning October 1, 1979, the board of a K to 12 school district shall establish and operate a program under which a breakfast shall be made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district where 50% or more in 1979-80, 30% or more in 1980-81, and 20% or more thereafter of the lunches served the previous year were free or reduced price lunches provided pursuant to section 1272b (c), except that this requirement shall not apply to more than 25% in 1979-80 and 60% in 1980-81 of the public schools of the school district.

Sec. 1272b. In all programs established and operated pursuant to section 1272a:

(a) Nutritional standards prescribed by the United States Department of Agriculture pursuant to section 9 of the National School Lunch Act, 42 U.S.C. 1758, shall be met and maintained.

(b) The board may charge a fee for meals or milk, but the fee shall not exceed the actual average daily cost, including necessary supervision, of the meal or milk and accessories, less the amount of food and financial assistance received by the board for the meal or milk.

(c) The board shall provide free and reduced price meals and free milk to all pupils eligible under the maximum standards prescribed by the United States Department of Agriculture pursuant to section 9 of the National School Lunch Act, 42 U.S.C. 1758; shall ensure the confidentiality of all information contained in applications for eligibility; and shall further ensure that eligible pupils are not discriminated against or overtly identified in any manner.

(d) The board shall provide for parent and pupil participating in the planning and evaluation of school meals and other foods sold or dispensed on school premises.

Sec. 1272c. The requirements of section 1272a shall not apply:

(a) In a school year in which the federal subsidy per meal falls below the 1975-76 level or the state subsidy per meal served is less than the figures specified in section 1272(b) and (c).

(b) In a school district during a school year when the state board finds that a financial emergency exists which renders the school district unable to comply fully with the requirements. The board of the school district may apply, in writing, to the state board, not later than July 1 for a subsequent school year, demonstrating the need for noncompliance and describing the programs and services that can be provided and the efforts being undertaken to alleviate the emergency. If the state board finds that an emergency exists, it shall approve the noncompliance or prescribe conditions for partial compliance. The state board may extend the filing date for good cause.

Sec. 1272d. The state department of education shall:

(a) Prescribe a uniform reporting system for the collection, compilation, and analysis of data relative to the administration of this section and section 1272a, make an annual report to the legislature, and send a copy of the annual report to each intermediate school district.

(b) Pay a school district for each free meal served pursuant to section 1272b (c) an amount calculated by subtracting the federal reimbursement rate for a free meal from the actual cost of the meal but not to exceed 5 cents per meal.

(c) Pay a school district for each reduced price meal served pursuant to section 1272b (c) an amount calculated by subtracting the sum of the federal reimbursement rate for a reduced price and the fee charged from the actual average cost of the meal but not to exceed 2 cents per meal.

(d) Make disbursements to school districts from funds credited to the state's matching share required by section 7 of the National School Lunch Act, 42 U.S.C. 1756, which shall be in addition to the payments required by subdivisions (b) and (c).

(e) Prescribe a method for determining, and determine the actual, reasonable and necessary initial equipment and capital outlay costs incurred by a school district after February 1, 1977, for the specific purpose of complying with section 1272a and report to the legislature with recommendations for full reimbursement of all those costs not otherwise reimbursed or scheduled to be reimbursed with federal or state funding or permissible pupil payments. The legislature shall appropriate, and the department shall allocate, as a part of the annual department appropriations and allocations, the approved amount due a school district under this subdivision.

(f) Allocate and the legislature shall appropriate, as part of the annual Department appropriations and allocations, any and all reasonable and necessary direct and indirect costs incurred by a school district in the establishment and operation of a breakfast program, which costs would not have been incurred without the establishment and operation of a breakfast program, to any extent that they exceed state and federal breakfast subsidies and permissible pupil breakfast fees. Such costs shall be reimbursed on a per-breakfast-served basis and may include but shall not be limited to compensation for needed additional personnel and supervision of both participating and nonparticipating pupils. The department shall study, hold hearings and make recommendations to the legislature as to a method of determining and reimbursing such costs by December 1, 1978. In a school year in which reimbursements for 100% of such costs, as determined by the legislature upon the recommendation of the Department, are not appropriate, the requirements of section 1272a (2) shall not apply.

(g) Make recommendations to the legislature by November 1, 1978, regarding all aspects of voluntary supervision and other services in the establishment and operation of a school breakfast program.

(h) Take any action needed, including possible recommendations to the legislature, to insure that maximum federal breakfast subsidies are secured and report to the legislature by November 1, 1977.

(i) Prescribe guidelines pertaining to the sale or distribution of food items other than those provided in a regular meal program to ensure the nutritional quality of such food items are consistent with the health and welfare of its pupils.

TEXAS – H.B. No 136
AN ACT

relating to providing breakfast programs for public school students from low-income families; amending Chapter 21, Texas Education Code, as amended, by adding Section 21.914.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1 Chapter 21, Texas Education Code, as amended, is amended by adding Section 21.914 to read as follows:

"Sec. 21.914. BREAKFAST PROGRAMS. (a) If at least 10 percent of the students enrolled in one or more schools in a school district are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. Subsection

1773), the governing board of the district shall participate in the program and make the benefits of the program available to all eligible students in said schools."

Sec. 2. This Act is effective for the 1978-1979 school year and thereafter for school districts with food service facilities. The effective date of this Act for other school districts shall be the 1981-1982 school year and thereafter.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

MAINE – DRAFT

NATIONAL SCHOOL FEEDING PROGRAMS

§1051. Legislative intent

1. The Legislature finds that:

A. The proper nutrition of children is a matter of the highest state priority, and

B. There is a demonstrated relationship between the intake of food and good nutrition and the capacity of children to develop and learn, and

C. The teaching of the principles of good nutrition in schools is urgently needed to assist children at all income levels in developing the proper eating habits essential for lifelong and good health.

2. It is the policy of the State of Maine that no child shall go hungry at school and that schools have an obligation to provide for the nutritional needs and the nutrition education of all pupils during the school day.

§1052. Acceptance and compliance with Federal Law

The State having accepted the provisions and benefits of the Acts of Congress entitled "An Act to Provide Assistance to the States in the Establishment, Maintenance, Operation and Expansion of School Lunch Programs and for Other Purposes," approved June 4, 1946 and "The Child Nutrition Act", approved October 11, 1966, will observe and comply with said Acts, and with any Acts amandatory thereof or supplementary thereto.

§1053. School feeding programs

1. By no later than September 1, 1976, each school committee or board of directors of an administrative unit shall establish and operate a school lunch program under which a lunch shall be made available to all pupils enrolled in the schools of the district.

2. By no later then September 1, 1978, each school committee or board of directors of an administrative unit shall establish and operate a school breakfast program under which a breakfast shall be made available to all pupils enrolled in any school of the district which is deemed to be "especially needy," as that term is defined in 1054.

3. By no later than September 1, 1979, each school committee or board of directors of an administrative unit shall establish and operate a school breakfast program under which a breakfast shall be made available to all pupils enrolled in any school of the district not covered by subsection 2.

§1054. Especially needy schools

1. An "especially needy school" shall be defined as any school in which twenty-five percent or more of the children in attendance are eligible for free or reduced price meals under applicable federal regulations, or as any school which is designated by the State as a Title I school under the Elementary and Secondary Education Act of 1966.

2. Any school facility designated as especially needy, shall be assigned the appropriate increased "especially needy" per meal reimbursement calculated pursuant to ___1773(c) and (d) of Title 42 of the United States Code and derivative regulations in support of the cost of free and reduced price breakfasts.

§1055. Program exceptions

1. The following are exempt from the mandatory participation requirements of 1053:

A. An administrative unit which has been authorized by the commissioner under subsection 2 to postpone the establishment of either a National School Lunch Program or a National School Breakfast Program; and

B. All high schools limited to students in grades 9, 10, 11, and 12.

2. Application for postponement. An administrative unit which has been authorized by the Commissioner as of September 1, 1976, to postpone the establishment of a National School Lunch Program, or which had been authorized by the Commissioner as of September 1, 1978, to postpone the establishment of a National School Breakfast Program, may apply to the Commissioner to postpone the establishment of the program for an additional three years. The Commissioner, with the authorization of the board, may grant the requested postponement, provided:

A. The school committee or board of directors of the administrative unit has held a public hearing on its proposed application; and

B. Any one of the following conditions are met:

(1) It has been documented to the Commissioner's satisfaction that the administrative unit lacks space for the program and there is no appropriate alternative source of meals for the students; or

(2) It is impossible for the administrative unit to contract for or to otherwise procure Type A meals for its students; or

(3) The lack of need for the program, as determined by the school committee or board of directors, is documented to the Commissioner's satisfaction and was evident at a public hearing.

3. Annual review. The Commissioner shall annually review the conditions in each of the administrative units which has been granted a postponement under subsection 2. If he finds that the conditions in an administrative unit have changed so that a postponement is no longer warranted, he may require that the administrative unit establish the appropriate school feeding program at the start of the next school year. Whenever 1% of the residents living within the boundries of the administrative unit petition the Commissioner, he shall cause to be called a public hearing on the postponement under subsection 2 prior to his next annual review.

§1056. Duties of the Commissioner

1. Within 60 days after the effective date of this Act, the Commissioner shall promulgate rules in accordance with this Act and in conformity with the United States Department of Agriculture regulation to implement and administer the School Lunch and the School Breakfast Programs required by §1053. Such rules shall be promulgated in accordance with the Maine Administrative Procedure Act.

2. The Commissioner shall establish standards of income eligibility for free and reduced price lunches and breakfasts, based upon income guidelines which are determined by household size. The standards of income eligibility shall be the maximum allowable household income limits for free and reduced price meals that are prescribed by the United States Department of Agriculture, pursuant to Title 42 U.S. C. §1758 and §1773, respectively.

3. The Commissioner shall prescribe uniform methods for and obtain a determination of pupil eligibility for free and reduced price lunches and breakfasts. The methods shall ensure the confidentiality of the information contained in the application for free and reduced price lunches and breakfasts. Such methods shall also ensure that all parents and pupils are made aware of the existence of the free and reduced price meals.

4. The Commissioner shall prescribe guidelines to assure that a pupil or household eligible to receive free or reduced price lunches or breakfasts is not discriminated against or overtly identified.

5. The Commissioner shall ensure that the food preference of pupils shall be accommodated, to the maximum extent feasible, including the provision of meals that fulfill the ethnic food preferences of children attending each school.

6. The Commissioner shall prescribe a uniform reporting system for the collection, compilation, and analysis of data relative to the administration of the Act.

7. The Commissioner shall establish rules which, to the maximum extent feasible, encourage on-site preparation of meals, the employment of local people, and the use of small and minority-owned businesses. If a school committee or board of directors of an administrative unit has inadequate or no food preparation facilities, the Commissioner shall establish rules pursuant to which it may contract with another school committee or board of directors of an administrative unit, a public agency, or a

private non-profit agency within the State for the preparation and delivery of meals.

8. The Commissioner may give technical advice and assistance to any school committee or board of directors in connection with the establishment and operation of school food service programs. He may assist in training personnel engaged in the operation of any food service program.

9. The Commissioner shall establish and maintain nutritional standards and regulations for all school food services programs, subject to the requirements of §1057 (1).

10. The Commissioner shall establish training and educational standards and qualifications for positions of school food service program supervisors, managers and other school food service program employees.

11. The Commissioner may, to the extent that funds are available, conduct appraisals of the nutrition benefits of school lunch and breakfast programs and report his findings to the State Board of Education.

12. The Commissioner shall prescribe other necessary standards and procedures to efficiently and effectively administer this Act.

§1057. Administration

1. Nutritional standards. Each meal served under the auspices of either the National School Lunch Program or the National School Breakfast Program must meet the standards prescribed by the United States Department of Agriculture in accordance with 42 U.S.C. §1773, respectively, and must supply at least one-third (1/3) the daily dietary allowance established by the National Research Council of the National Academy of Sciences. All meals must meet nutritional standards established by the United States Department of Agriculture for Type A meals.

2. Management of food service programs; use of funds.

A. The school committee or board of directors of an administrative unit shall make all contracts to provide material, personnel and equipment necessary to carry out the National School Lunch Act and the Child Nutrition Act of 1966. They shall hire the necessary employees to manage and operate their school food service programs.

B. The school committee or board of directors of an administrative unit shall use funds disbursed to them under this subchapter, appropriations and other money received from the State for school food service programs, gifts received for school food service programs and the receipts from the sale of meals under these school food service programs for meeting the expenses incurred under paragraph A.

3. Non-food assistance. The Commissioner shall prescribe a method for determining, and shall determine, the actual, reasonable and necessary initial equipment and capital outlay costs incurred by a school committee or board of directors of an administrative unit after the effective date of this Act for the specific purpose of complying with the requirements of implementing a school breakfast or lunch program. The Commissioner shall report to the legislature with recommendations for full reimbursement of all such costs not otherwise reimbursed or scheduled to be reimbursed with federal or State funding or permissible pupil payments. The Legislature shall appropriate and the Commissioner shall allocate, the approved amount due the school committee or board of directors of an administrative unit under this subsection.

§1058. Compliance

1. The Commissioner shall supervise the Statewide implementation of the National School Breakfast Program and the National School Lunch Program, and shall investigate acts of alleged non-compliance with the requirements of applicable State or federal statutes or regulations. In the event that the Commissioner finds that a school committee or board of directors of an administrative unit has failed to comply with such statutes or regulations, the Commissioner shall certify such non-compliance to the Attorney General. The Attorney General shall conduct such investigation as may be necessary to establish non-compliance. The Attorney General may then seek injunctive relief in any court of competent jurisdiction.

2. Any pupil, parent or school committee or board of directors of an administrative unit aggrieved by the action or inaction of any person or institution in complying with the requirements of applicable State or federal statutes or regulations, shall have the right to bring suit in a court of competent jurisdiction to enforce their respective rights thereunder. Nothing contained in subsection 1 shall be construed to limit, supersede, or in any way affect this right.

§1059. Nutrition education

The Commissioner in cooperation with the Department of Public Health, and local school committee or boards of directors of administrative units shall be responsible for the development, promotion, supervision and coordination of nutrition education programs in the schools of the State. Such programs shall coordinate classroom instruction with the food service program and shall be of sufficient variety and flexibility to meet the needs of pupils in the total educational spectrum.

§1060. Annual Report

The commissioner shall make an annual report to the Legislature relating to the implementation and administration of the National School Breakfast Program and the National School Lunch Program and shall send a copy of the report to each school committee or board of directors of an administrative unit.

§1061. Treasurer of State as custodian

The Treasurer of the State is designated custodian of all moneys received by the State from the Federal Government for establishment, maintenance, operation and expansion of food service programs and he shall receive and provide for the proper custody of such moneys and disburse such moneys on requisition of the Commission to school committees, boards of directors of public schools, sponsors of child care food programs and sponsors of summer food programs and sponsors of summer food service programs for children.

MARYLAND – DRAFT

AN ACT

§126. Subsidized and free feeding programs.
(a) Required in public schools. --Every public school throughout the State shall provide a program of subsidized and/or free feeding programs for the benefit of children meeting such standards as are promulgated and published by the State Board of Education.

(i) Such standards shall require every local board of education to provide a reduced-price lunch program.

(ii) These standards shall require that every public school in which fifteen or more percent of the students are eligible for free and reduced-price meals shall provide a paid, free and reduced-price breakfast program by October 1, 1980.

(iii) By October 1, 1980, these standards shall require that every public school provide a paid, free and reduced-price breakfast program if the parents or guardians of fifteen percent of the students petition the principal for such a breakfast. Petitions meeting the requirements of Section (iv) are adequate.

(iv) Petitions shall be signed by at least one parent or guardian of a student or students and shall state that the petitioner wants a breakfast program in the school and that petitioner's child or children intend to participate if satisfied with the food served.

FLORIDA – DRAFT

An act relating to public school food service programs; adding s. 228.195 (5), Florida Statutes; requiring each district school board to establish a school breakfast program in certain schools in the district; providing for guidelines and rules to implement and administer such programs; providing standards for certain persons to enforce this act; providing an effective date.

(5) SCHOOL BREAKFAST PROGRAMS. --

(a) Each district school board shall require a school breakfast program which shall make a breakfast available to all pupils in each district school which meets any of one of the following criteria:

1. Twenty percent or more of the pupils attending the school are entitled to a free or reduced price lunch pursuant to 42 U.S.C. 1758 (b). Programs so required shall be made available no later than opening day of the 1978-1979 school year.

2. The criteria for an "especially needy school," contained in Title 7, Code of Federal Regulations, Sections 220.9 (c) and 230.2 (i), or the school is receiving funds under Title I of the Elementary and Secondary Education Act.

THE FOOD RESEARCH AND ACTION CENTER is a private, nonprofit public interest law firm and advocacy center working with the poor and near poor to end hunger and malnutrition in the United States. FRAC offers legal assistance, organizing aid, training, and information to poor people and their groups working to improve and expand the Federal food programs (food stamps, school lunch/breakfast, day-care and summer feeding, WIC, and Nutrition Programs for the Elderly).

FRAC's publications and assistance are available free to community groups and individuals who cannot afford to pay. The following materials are available:

FRAC's Guide to the National School Lunch and Breakfast Programs, describing the Programs and outlining methods of organizing a school breakfast campaign; August 1976; $ .75

FRAC's Guide to State School Food Legislation, describing the methods of drafting state legislation to improve and expand the school food programs and of ushering a bill through a state legislature; March 1978; $ .75

FRAC's Guide to the Food Stamp Program, detailing Program operation in an easily-understood question and answer form; January 1978; $ 1.00

Waiting for Food Stamps (or What to Do Until the New Program Gets Here), a pamphlet suggesting strategies for local and state advocates to prepare for the implementation of the new Food Stamp Program; March 1978; Free

School's Out . . . Let's Eat: FRAC's Guide to Organizing a Summer Food Program; April 1978. $ 1.00

FRAC's Guide to the Child Care Food Program, describing this expanded Program for all types of child care centers and day-care homes; September 1976; $ .75

FRAC's Profile of the Federal Food Programs, a short pamphlet describing FRAC and outlining the seven major government food programs; January 1978; Free

Periodic legislative and regulatory updates on **Food Stamps**, **Child Nutrition Legislation**, the **School Breakfast Program**, **and Elderly Nutrition**; Free

For these materials or other assistance, contact:

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